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ABSTRACT

The text of a bill to provide a statutory charter for the Defense Language Institute Foreign Language Center and to establish a personnel system for civilian faculty, and the text of hearings on that legislation, are presented. The statements of the following individuals are included: Nicholas Mavroules, chairman of the Investigations Subcommittee of the House Committee on Armed Services; George Darden, representative from Georgia; Leon E. Panetta, representative from California; Ray Clifford, provost of the Defense Language Institute (California); Alfie Khalil, president of Local 1263 of the National Federation of Federal Employees; Christopher Jehn, Department of Defense; and William D. Clark, Department of the Army. (MSE)

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[H.A.S.C. No. 102-66]

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# H.R. 1685, DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER

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HEARING

BEFORE THE

INVESTIGATIONS SUBCOMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

---

HEARING HELD
MAY 27, 1992

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102D CONGRESS
1ST SESSION

# H. R. 1685

To amend title 10, United States Code, to provide a statutory charter for the operation of the Defense Language Institute Foreign Language Center and to establish a personnel system for the civilian faculty at that Institute.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1991

Mr. PANETTA introduced the following bill; which was referred jointly to the Committees on Armed Services and Post Office and Civil Service

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# A BILL

To amend title 10, United States Code, to provide a statutory charter for the operation of the Defense Language Institute Foreign Language Center and to establish a personnel system for the civilian faculty at that Institute.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Defense Language Institute Foreign Language Center Act of 1991".

**SEC. 2. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER CHARTER AND PERSONNEL SYSTEM.**

(a) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 83 the following new chapter:

**"CHAPTER 84—DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER**

"Sec.
"1611. Function and organization; Commandant.
"1612. Military staff.
"1613. Civilian faculty: positions.
"1614. Civilian faculty: personnel system.
"1615. Regulations.

**"§ 1611. Function and organization; Commandant**

"(a) IN GENERAL.—There is in the Department of Defense a school known as the Defense Language Institute Foreign Language Center (hereinafter in this chapter referred to as the 'Institute'). The mission of the Institute is (1) to provide instruction in foreign languages to military and civilian personnel of the Department of Defense and other Government personnel as approved by the Secretary of Defense, and (2) to encourage foreign language instruction throughout educational institutions in the United States to meet national defense requirements.

"(b) COMMANDANT.—There is a Commandant of the Institute, who shall be designated from among officers on the active-duty list in a grade above lieutenant colonel or

commander. The Commandant has command of the Institute.

"(c) PRESERVATION OF CERTAIN INSTRUCTIONAL CAPABILITY.—Notwithstanding any other provision of law, the Commandant shall ensure that the Institute retains within the civilian faculty of the Institute the capability to provide instruction in each language in which the faculty was capable of providing instruction as of the date of the enactment of this section.

**"§ 1612. Military staff**

"(a) IN GENERAL.—The Secretary of Defense shall assign members of the armed forces to positions as military staff at the Institute as necessary for the mission of the Institute.

"(b) NONDISPLACEMENT OF CIVILIAN FACULTY BY MILITARY STAFF.—The Commandant of the Institute may not dismiss a member of the civilian faculty of the Institute in order to provide an opportunity for instruction by a member of the military staff.

**"§ 1613. Civilian faculty: positions**

"(a) IN GENERAL.—The Secretary of Defense may employ such civilians as the Secretary considers necessary to serve at the Institute.

"(b) POSITIONS.—The civilian faculty of the Institute shall consist of the following:

"(1) A chancellor.

"(2) Senior professors.

"(3) Professors.

"(4) Associate professors.

"(5) Assistant professors.

"(6) Senior instructors.

"(7) Instructors.

"(8) Assistant instructors.

"(9) Academic support staff.

**"§ 1614. Civilian faculty: personnel system**

"(a) GENERAL AUTHORITY.—The Secretary of Defense shall establish by regulation a personnel management system for the civilian faculty of the Institute. The personnel management system shall supersede any inconsistent provision of chapters 33, 41, 51, 53, and 61, and subchapter V of chapter 55, of title 5.

"(b) COMPENSATION AND BENEFITS.—(1) Members of the civilian faculty shall be paid at an annual rate of basic pay prescribed by the Secretary. The rate of basic pay of a member of the civilian faculty (other than a member of the academic support staff) may not be less than the lowest rate of basic pay in effect for grade GS–7 of the General Schedule in the geographic region of the place of employment of the faculty member and may not exceed the highest rate of basic pay in effect for grade GS–15

of the General Schedule in that geographic region, except that the annual rate of basic pay of the Chancellor shall be prescribed at a rate equivalent to that of an appropriate level of the Senior Executive Service, as determined by the Secretary.

"(2) Whenever there is an increase in the rates of basic pay payable for positions in the General Schedule, the Secretary of Defense shall increase the rates of basic pay payable to the civilian faculty of the Institute. Any such increase shall be in the percentage of the overall average percentage increase under the General Schedule and shall take effect on the effective date of the increase under the General Schedule.

"(c) APPOINTMENTS AND TENURE.—(1) Except as otherwise provided by the Commandant, appointment of an individual to the civilian faculty shall be made for a three-year term as a nontenured appointment.

"(2) The Commandant may convert a nontenured appointment of a member of the civilian faculty to a permanent appointment through award of tenure based upon the recommendations of a tenure award committee under paragraph (5).

"(3) A nontenured member of the civilian faculty whose appointment is not converted to a tenured appoint-

ment within five years of the member's appointment to the faculty shall be dismissed.

"(4) The tenure status of each tenured civilian faculty member shall be reviewed every five years by a tenure review committee under paragraph (5). If a tenure review committee recommends that tenure of a civilian faculty member be revoked, the Commandant may revoke the tenure of the member and dismiss the member from the faculty.

"(5) The Commandant shall from time to time convene tenure award committees and tenure review committees for the purposes of this subsection. Each such committee shall be composed of tenured civilian faculty members, representatives of management, and representatives of employees. A tenure award committee, in determining whether to recommend the award of tenure to a nontenured civilian faculty member, shall base its recommendation on an assessment of the faculty member's demonstrated success in (A) foreign language instruction, or (B) contributing to the teaching mission of the Institute through activities other than classroom instruction, or both.

"(6) Any adverse decision regarding tenure is subject to challenge to the extent authorized by law, regulation, or local negotiated grievance procedures.

"(d) EDUCATIONAL ASSISTANCE TO ENHANCE CAPABILITIES OF FACULTY.—The Secretary shall provide members of the civilian faculty with such educational assistance as necessary to enable qualified members of the civilian faculty to enhance their ability to perform the academic mission of the Institute.

"(e) REDUCTIONS IN FORCE.—Nothing in this chapter provides a member of the civilian faculty a right to continued employment at the Institute when programs at the Institute are reduced or eliminated. Any decision within the Department of Defense to reduce or eliminate programs at the Institute shall be determined in a manner that is in the best interest of the mission of the Institute and of the Department and, when required to be made in accordance with the provisions of any law, is justified by determinations made in accordance with such law.

**"§ 1615. Regulations**

"The Secretary of Defense shall prescribe regulations to carry out this chapter. Such regulations shall prescribe—

"(1) the qualifications, duties, tenure, and compensation of the civilian faculty;

"(2) educational assistance for the civilian faculty under section 1614(d) of this title; and

"(3) the qualifications and terms for the assignment of members of the armed forces assigned to the military staff of the Institute.".

(2) The table of chapters at the beginning of subtitle A of such title, and the table of chapters at the beginning of part II of such subtitle, are each amended by inserting after the item relating to chapter 83 the following new item:

"84. Defense Language Institute Foreign Language Center ..... 1611".

(b) IMPLEMENTING REGULATIONS.—(1) Regulations under chapter 84 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than one year after the date of the enactment of this Act.

(2) During development of such regulations—

(A) the Secretary of Defense shall consult with employee representatives at the national level, as prescribed by section 7113 of title 5, United States Code; and

(B) the Commandant shall consult at every stage with employee representatives at the local level, other than with respect to reserved management rights.

(c) TRANSITION.—Civilian employees of the Department of Defense who are employed as civilian faculty members at the Defense Language Institute Foreign Lan-

guage Center on the date of the enactment of this Act may elect to transfer to the personnel system established for the civilian faculty at the Institute under chapter 84 of title 10, United States Code, as added by subsection (a). Any such election must be made during the one-year period beginning on the date of the enactment of this Act. Any such employee who does not make such an election shall remain subject to the employment system applicable to that employee as of the date of the enactment of this Act.

**SEC. 3. AWARDING OF DEGREES.**

(a) AWARDING OF DEGREES.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2162. Defense Language Institute Foreign Language Center: degrees in foreign languages**

"(a) The Commandant of the Defense Language Institute Foreign Language Center, under regulations prescribed by the Secretary of Defense, may confer upon any qualified graduate of the Institute an appropriate degree in a foreign language.

"(b) A degree may be conferred under this section only if the curriculum leading to that degree is accredited by an appropriate professional association.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2162. Defense Language Institute Foreign Language Center: degrees in foreign languages.".

# H.R. 1685, DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
INVESTIGATIONS SUBCOMMITTEE,
*Washington, DC, Wednesday, May 27, 1992.*

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2212, Rayburn House Office Building, Hon. Nicholas Mavroules (chairman of the subcommittee) presiding.

## OPENING STATEMENT OF HON. NICHOLAS MAVROULES, A REPRESENTATIVE FROM MASSACHUSETTS, CHAIRMAN, INVESTIGATIONS SUBCOMMITTEE

Mr. MAVROULES. Good morning. The hearing will now come to order.

Today, the subcommittee will receive testimony concerning the Defense Language Institute, located in Monterey, CA. It is a beautiful area out there, Mr. Congressman, and it is time you invited the committee.

Mr. HEFLEY. Is that a motion, Mr. Chairman?

Mr. MAVROULES. I think so.

Mr. PANETTA. We can cut a deal on that very quickly.

Mr. MAVROULES. The hearing today will be on H.R. 1685, a bill introduced by our friend and colleague, Leon Panetta. The bill is designed to address problems at the Institute.

The DLI is the language school for all branches of the military. It was formed in 1941 to respond to the military's need to have intelligence personnel trained in foreign languages. DLI currently employees about 900 civilian instructors and academic staff.

Mr. Panetta has expressed concern that the current civil service personnel system does not provide adequate flexibility to recruit and retain qualified foreign language instructors. H.R. 1685 would remedy this situation by creating a new personnel system, including separate pay, classification, hiring and tenure provisions for civilian instructors at DLI. The bill would also authorize DLI to confer degrees on graduates of the school.

Joining us today to examine the merits of this legislation is the sponsor, Congressman Panetta. In addition, we have three witnesses from the DLI, Col. Donald C. Fischer, Commandant; Dr. Ray Clifford, Provost; and Mr. Alfie Khalil, an instructor at the school and president of the local branch of the National Federation of Federal Employees.

Finally, we have two witnesses from DOD, Mr. Chris Jehn, Assistant Secretary of Defense for Force Management and Personnel;

and Mr. William Clark, Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs.

My colleague, Mr. Hopkins, is temporarily detained. He will be here shortly and I am sure he will have a statement for the record, but at this time, I would recognize Mr. Darden from Georgia.

## STATEMENT OF HON. GEORGE (BUDDY) DARDEN, A REPRESENTATIVE FROM GEORGIA

Mr. DARDEN. Thank you very much, Mr. Chairman.

I want to join you in welcoming our colleague, Mr. Panetta, from Monterey Peninsula; but I want to take a moment, too, to welcome the other witnesses, specifically Colonel Fischer and Dr. Clifford.

I did have an opportunity to visit DLI a couple of years ago and would strongly recommend that all subcommittee members take that opportunity. It was a very enlightening experience for me, and I would also point out that it is one of the best kept secrets in our whole defense establishment.

So I want to say to you how pleased we are to have you here, and we look forward to hearing your testimony this morning.

Thank you, Mr. Chairman.

Mr. MAVROULES. Mr. Darden, if you would offer an amendment sometime around Labor Day, it would be nice to go to Monterey, CA.

Mr. DARDEN. There is never a bad time to go to Monterey, Mr. Chairman.

Mr. SISISKY. After November, please.

Mr. MAVROULES. With that, Leon, if you would proceed with your testimony. Welcome.

## STATEMENT OF HON. LEON E. PANETTA, A REPRESENTATIVE FROM CALIFORNIA

Mr. PANETTA. Thank you very much, Mr. Chairman, and members of the subcommittee. Thank you for taking the time to hear testimony on this legislation that involves the Defense Language Institute. This is really an issue that involves not only the Institute but the Intelligence Committee at large and the Department of Defense because this Institute basically serves the Department of the Defense, although the Army does serve as its landlord. The reality is that the mission of the Defense Language Institute is really to serve all branches of the military.

I deeply appreciate the consideration that you are giving the bill and I cannot understate the importance of trying to address the issues that have been raised by the legislation that is before you, H.R. 1685.

The purpose of the legislation, as you know, is to try to establish a personnel system at the Defense Language Institute that, in fact, would be an incentive to improve the quality of instruction and the instructors that are there at the Defense Language Institute.

I cannot overemphasize the importance of the bill to the DLI community, to the Defense Department's ability to teach foreign languages to its personnel. In my view, and I think the view of the DLI faculty, those that represent the faculty, the union, many experts in the defense intelligence community and the House Perma-

nent Select Intelligence Committee, it is important to establish a discrete personnel system for the Institute because we think it is indispensable to the ability of DLI to perform its mission.

Let me just summarize why I think this is a unique institution that serves a unique mission and a unique population. This, as you know, the Institute itself basically focuses on teaching foreign languages. It goes back into the 1940s. I think it now teaches up to 40 different languages to a student body that can range anywhere from 3,500 to 4,500. During the Persian Gulf War, the student body went up to about 4,500 students.

The faculty ranges somewhere around 900, and it is a substantial—it really is almost a university system that provides this kind of foreign language training.

One of the concerns I have had ever since—and I have a deep interest in both the Defense Language Institute, because it is in my district, obviously, and in foreign language training generally. I am a real advocate; this country, frankly, doesn't emphasize foreign language training enough, not only in the military, but in our civilian curriculums as well. We don't teach our kids how to speak other languages, understand other cultures, and I think that is a fundamental weakness of our education system. So I have been a very big supporter of foreign language training generally.

DLI has been particularly interesting to me because we have a center of foreign language training in our area. We have the Monterey Institute for International Studies, which is a separate institute that teaches foreign languages in Monterey, and it actually works with the Defense Language Institute in fulfilling its mission.

The problem I have seen over the years, as I have watched this, is the concern that when you don't have a personnel system, when you don't have a tenure system, it is very difficult to attract the kind of quality faculty you need to teach foreign languages.

We are involved in a very serious mission here with DLI. You are trying to teach members of the military over a short period of time the ability to be competent in a foreign language. I mean, these are individuals that could immediately wind up going out into the field having to gather intelligence, having to understand the particular nuances of a foreign language, understand the culture, and this has to be done quickly and it has to be done effectively. In order to do that, you have to have high-quality instructors.

Too often what has happened is that instructors may come in, they don't have to meet certain requirements, and the consequence is that the kind of level of professionalism that we are seeking here is not attained.

There is also the problem of security for that faculty. Part of the problem is if you don't provide security, if you don't provide tenure, if you don't provide some incentives in terms of pay, the likelihood is that you will have people coming in and out that are going to teach these languages.

So for all of these concerns that everybody—this is not just myself or a few others, this was everybody: the Department of the Army, the head of the DLI, the colonels that have headed the Defense Language Institute, the faculty—everyone felt it was time to try to see if we could develop legislation to try to deal with some of these unique problems.



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So we have representatives of the Department of Defense, the Defense Language Institute, and the Federation of Federal Employees. They sat down over a period of many months; this is not something that just happened overnight, they sat down for a long period of time to negotiate the draft of the legislation so that we could lay the groundwork for trying to modernize the Defense Language Institute. That is really what this is all about.

The bill envisioned establishing a new personnel system and providing it authority for the Institute in statute to enable the Institute to grant degrees. Our common goal was to shape a new personnel system that brings DLI and the Department of Defense into the 1990s in foreign language instruction and Federal education personnel management.

The House Permanent Select Intelligence Committee strongly backed this legislation in a letter to Chairman Aspin. While that committee was within its rights to claim jurisdiction over the bill, it chose not to in order to try to expedite the bill's progress.

We have a distinguished Board of Visitors involved now with the Defense Language Institute. They endorsed this legislation. Let me just mention some of the people that are part of that. Gen. William Richardson, a four star general, who is U.S. Army Retired, wrote to Chairman Aspin supporting this legislation.

The board also includes retired Ambassador Richard Star of the Hoover Institution; Dr. Emile Nakhleh, who is Chairman of the Political Science Department at Mount St. Mary's College; and Mr. Jacques Klein, Director of the Foreign Service Officer Training for the State Department. He is on the Board of Visitors and endorses the legislation; Dr. James Alatis, who is Dean of Languages at Georgetown University; Mrs. Ann Caracristi, former Deputy Director of the National Security Agency; Rear Adm. George March, U.S. Navy, Retired; Col. Robert Parr, U.S. Air Force, Retired.

We have a very distinguished Board of Visitors, all of whom support moving this legislation. The bill, I think, represents good Government and the fruits, really, of what has been involved here, which is a negotiation over a long period of time to try to respond to the concerns I have mentioned.

I don't have to tell the members of this subcommittee, obviously, about the kind of altered world, the changed world, we are dealing with now. This is a world in which our national security requirements are changing all the time, so rapidly that we are unable to keep pace and anticipate that future course. But it is common knowledge in the foreign language community that the Department of Defense was caught short in the Persian Gulf by its paucity of Arab speakers. One of the problems is sometimes we are not prepared to deal with potential crises that are out there.

That shortfall could have been prevented. Its occurrence was inexcusable given the importance of language resources in the war. The sad fact, my colleagues, is that we are all too willing sometimes to simply put money into the weapon systems that are involved here. Not to say they are not important or they don't serve their purpose, but sometimes we do that and then give short shrift to the investments and attention we need for intelligence personnel resources. That is a vital part of our national security.

The language skills of the military personnel yield immeasurable benefits, immeasurable benefits, to our intelligence and communications operations. These activities are fundamental to the comprehensive and successful intelligence in military campaigns.

I was a member of the military intelligence branch when I was in the U.S. Army. I can't tell you in that capacity how important it is to have people who are trained in languages to serve as a vital link for intelligence information. It is time we stopped shortchanging the language resources that we need.

I am pleased to note the efforts of the House and the Senate Intelligence Committees, both of which now are striving to boost funds for language studies. The reform of the personnel system that we are suggesting here, I think, would put the Institute solidly on a track toward improved language instruction goals.

The Institute itself will be playing an even more important role, it seems to me, in the Defense Department's intelligence apparatus for the decades ahead. We have to bolster the ability of our defense personnel to communicate in the scores of languages that our allies and potential foes speak as nations compete for regional power and nationalities battle for supremacy in the absence of superpower omnipotence.

The Defense Language Institute is a critical national asset. It is an asset that we have to pay attention to. It serves, as I said, the entire Department of Defense's single academically accredited institute for foreign language instruction. This is it. This is it. There are no others. This is the one institute that serves all of the language needs in the Department of Defense.

The hope here is that these reforms will encourage the growth at the Institute of the kind of personnel management practiced at successful private and public educational institutions.

Let me summarize some of the key things that we are after.

Under the legislation, DLI would be able to structure a personnel system to resemble those of comparable educational institutions, such as the Navy Postgraduate School and the Army War College. Some people have said, well, we can't structure unique systems just for DLI. Let me just mention to you that we do have unique systems. What we have done here in this legislation is modeled it on the authority for the Navy Postgraduate School, which is also in my district, in terms of a separate system. That legislation details ranks of instructors and authorizes a separate personnel system.

The Naval Academy has exceptions from the civil service, the Air University has career professional development tenure and pay incentives. The Air Force Institute of Technology has all of the above, as well as degree-granting authority. So it is not that we are trying to establish something that has not been done with regards to other institutes. They have been and we are saying this is unique enough in the mission it performs that it ought to have the same kind of system.

Our goal, as I said, is higher foreign language proficiency among the DOD personnel. The House Committee on Post Office and Civil Service, which has jurisdiction over this because of the obvious, civil service aspects, considered and approved the bill before you. It included important language in its report on the bill affirming the committee's clear intent that the bill would require DLI to

evaluate instructors on tenure based on the quality of instruction, their curriculum development, training, proficiency, research and other academic activities specified in the original legislation.

Very importantly, it is our intention that the system vest rank among civilian faculty specifically in person rather than in position.

H.R. 1685 would accomplish several other important objectives. It would provide a statutory charter for the operation of the Institute, establish in law a new and appropriate personnel system for its civilian faculty, and mandate a proper transition period from the current to the new system.

The new personnel system would set forth a range of compensation to civilian faculty and conditions for the provision of assistance to faculty interested in enhancing their academic credentials and guidelines for the awarding of degrees.

Let me just tell you that you have to provide these kinds of incentives for the faculty. You just have to. Otherwise, you end up with people that will move in and out. They will be there a few months; they will leave. There is no tenure protection, and there is no ability to attract good quality faculty to those areas.

I think the faculty of DLI are anxious to implement this new personnel system because they have been involved in developing this and they, too, want to develop something that improves their compensation, their tenure, and their prestige.

Another vital and related provision of the bill would allow DOD to establish pay bands for DLI's instructors and to create a specific classification of instructors paralleling these pay bands.

This, too, I think is an added incentive for the quality of faculty. Without a standard instructor classification system and pay ladder, the new system would fall short of the goals and expectations for the kind of quality that we are trying to pursue.

The last point I would make is to allow the granting of degrees to certain graduates of its programs. I understand this is also sensitive, evidently, with the Army. But the fact is that when you provide degrees, it aids the effort to retain qualified instructors, offers an incentive to the Institute's students, and it awards proficient students with what is rightfully theirs. If they are going to work their tail off to learn a language, it seems to me, in order to attract good quality students to that Institute, good quality individuals to the military, there is nothing wrong with tying it to degree-granting ability.

Those are some of the arguments for this legislation. I am more than happy to work with this committee, Mr. Chairman and members of the subcommittee. I am more than happy to work with you in trying to address some of the concerns that have been raised, because I deeply believe that we have an opportunity here to really improve what I think is a vital institution in our national security structure, and I want to make it right.

I know all the members of this subcommittee want to make it right in terms of its ability to deliver on the vital military mission that it is supposed to engage in.

Thank you.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, THANK YOU FOR TAKING THE TIME TO HEAR TESTIMONY TODAY ON LEGISLATION THAT IS VERY IMPORTANT TO THE MEMBERS OF THE DEFENSE LANGUAGE INSTITUTE COMMUNITY, THE INTELLIGENCE COMMUNITY AT LARGE AND THE DEPARTMENT OF DEFENSE, H.R. 1685. WE ALL APPRECIATE YOUR CONSIDERATION OF THE BILL IN A TIMELY MANNER IN LIGHT OF ITS URGENCY AND THE REFORMS IT WILL ENABLE THE INSTITUTE TO MAKE.

IF ENACTED, THE BILL WOULD AUTHORIZE THE SECRETARY OF DEFENSE TO PRESCRIBE REGULATIONS TO ESTABLISH A COLLEGE-STYLE PERSONNEL SYSTEM AT THE DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER (DLI). I CANNOT OVEREMPHASIZE THE IMPORTANCE OF THIS BILL TO THE DLI COMMUNITY AND TO THE DEFENSE DEPARTMENT'S ABILITY TO TEACH FOREIGN LANGUAGES TO ITS PERSONNEL. IN MY VIEW AND IN THE VIEW OF THE DLI FACULTY, ITS UNION, MANY EXPERTS IN THE DEFENSE INTELLIGENCE COMMUNITY AND THE HOUSE PERMANENT SELECT INTELLIGENCE COMMITTEE, A DISCRETE PERSONNEL SYSTEM FOR THE INSTITUTE IS INDISPENSABLE TO THE SUCCESS OF DOD'S LANGUAGE INSTRUCTION AND THE INSTITUTE ITSELF. FOR REASONS I WILL SUMMARIZE BELOW, THE INSTITUTE IS A UNIQUE INSTITUTION SERVING A UNIQUE MISSION AND POPULATION.

IN 1989, AFTER SEVERAL YEARS OF DISCUSSION AND IN AN ATTEMPT TO OVERCOME THE STANDARD IMPEDIMENTS OF THE BUREAUCRACY, I ASKED

REPRESENTATIVES OF THE DEPARTMENT OF DEFENSE (DOD), THE DEFENSE LANGUAGE INSTITUTE AND THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES (NFFE) TO NEGOTIATE A DRAFT OF LEGISLATION TO LAY THE GROUNDWORK FOR OUR PLAN FOR THE MODERNIZATION OF THE INSTITUTE. WE ENVISIONED A BILL TO ESTABLISH A NEW PERSONNEL SYSTEM AT DLI, TO PROVIDE AUTHORITY FOR THE INSTITUTE IN STATUTE AND TO ENABLE THE INSTITUTE TO GRANT DEGREES. OUR COMMON GOAL HAS BEEN TO SHAPE A NEW PERSONNEL SYSTEM THAT BRINGS DLI AND THE DEPARTMENT OF DEFENSE INTO THE 1990s IN FOREIGN LANGUAGE INSTRUCTION AND FEDERAL EDUCATION PERSONNEL MANAGEMENT.

HERE I WOULD NOTE THAT THE HOUSE PERMANENT SELECT INTELLIGENCE COMMITTEE HAS STRONGLY BACKED THE LEGISLATION IN A LETTER TO CHAIRMAN ASPIN. WHILE THE COMMITTEE WAS WITHIN ITS RIGHTS TO CLAIM JURISDICTION OVER THE BILL, IT CHOSE NOT TO IN ORDER TO EXPEDITE THE BILL'S PROGRESS.

THE DLI BOARD OF VISITORS, CHAIRED BY GENERAL WILLIAM R. RICHARDSON, U.S. ARMY (RETIRED), HAS ALSO WRITTEN TO CHAIRMAN ASPIN TO INFORM THE COMMITTEE OF ITS STRONG ENDORSEMENT OF THE LEGISLATION. THE BOARD INCLUDES RETIRED AMBASSADOR RICHARD STAAR OF THE HOOVER INSTITUTION; DR. EMILE NAKHLEH, CHAIRMAN OF THE POLITICAL SCIENCE DEPARTMENT OF MOUNT ST. MARY'S COLLEGE; MR. JACQUES KLEIN, DIRECTOR OF FOREIGN SERVICE OFFICER TRAINING FOR THE STATE DEPARTMENT; DR. JAMES ALATIS, DEAN OF LANGUAGES AT GEORGETOWN UNIVERSITY; MS. ANN CARACRISTI, FORMER DEPUTY DIRECTOR OF THE NATIONAL SECURITY AGENCY; REAR ADMIRAL GEORGE MARCH, U.S. NAVY (RETIRED); AND COL. ROBERT PARR, U.S. AIR FORCE (RETIRED).

MR. CHAIRMAN, THIS BILL REPRESENTS GOOD GOVERNMENT AND THE FRUITS

OF TRUE LABOR-MANAGEMENT COOPERATION. WE HAVE RESPONDED TO THE ADMINISTRATIVE NEEDS OF DLI AND TO THE FINANCIAL AND HUMAN CONCERNS OF THE FACULTY. IF ENACTED, THE BILL WILL SPUR REAL PROGRESS IN EDUCATION PERSONNEL MANAGEMENT WITHIN THE FEDERAL ESTABLISHMENT.

BY NOW IT HAS BECOME A TRUISM THAT THE UNITED STATES FACES A VASTLY ALTERED WORLD, A WORLD IN WHICH OUR NATIONAL SECURITY REQUIREMENTS ARE CHANGING RAPIDLY -- SO RAPIDLY THAT WE ARE UNABLE KEEP PACE AND ANTICIPATE THEIR FUTURE COURSE. IT IS COMMON KNOWLEDGE IN THE FOREIGN LANGUAGE COMMUNITY THAT THE DEPARTMENT OF DEFENSE WAS CAUGHT SHORT IN THE PERSIAN GULF WAR BY ITS PAUCITY OF ARAB SPEAKERS. THAT SHORTFALL COULD HAVE BEEN PREVENTED; ITS OCCURRENCE WAS INEXCUSABLE GIVEN THE IMPORTANCE OF OUR LANGUAGE RESOURCES IN THE WAR.

THE SAD FACT, MY COLLEAGUES, IS THAT WE ARE ALL TOO WILLING TO FUND BILLION-DOLLAR WEAPONS SYSTEMS THAT MAY NEVER BE USED IN OUR DEFENSE WHILE GIVING SHORT SHRIFT IN INVESTMENTS AND ATTENTION TO OUR INTELLIGENCE PERSONNEL RESOURCES. THE LANGUAGE SKILLS OF MILITARY PERSONNEL YIELD IMMEASURABLE BENEFITS IN OUR INTELLIGENCE AND COMMUNICATIONS OPERATIONS. THESE ACTIVITIES ARE FUNDAMENTAL TO COMPREHENSIVE AND SUCCESSFUL INTELLIGENCE AND MILITARY CAMPAIGNS. IT IS TIME THAT WE STOPPED SHORTCHANGING DOD'S LANGUAGE RESOURCES.

IN THIS REGARD, I AM PLEASED TO NOTE THE EFFORTS OF THE HOUSE AND SENATE INTELLIGENCE COMMITTEES, BOTH OF WHICH HAVE BOOSTED FUNDS FOR LANGUAGE STUDIES. THE REFORM OF DLI'S PERSONNEL SYSTEM WOULD PUT THE INSTITUTE SOLIDLY ON A TRACK TOWARD FULFILLING OUR NEW LANGUAGE INSTRUCTION GOALS.

THE DEFENSE LANGUAGE INSTITUTE WILL BE PLAYING AN EVER MORE

IMPORTANT ROLE IN THE DEFENSE DEPARTMENT'S INTELLIGENCE APPARATUS IN DECADES AHEAD. WE MUST BOLSTER THE ABILITY OF OUR DEFENSE PERSONNEL TO COMMUNICATE IN THE SCORES OF LANGUAGES OUR ALLIES AND POTENTIAL FOES SPEAK AS NATIONS COMPETE FOR REGIONAL POWER AND NATIONALITIES BATTLE FOR SUPREMACY IN THE ABSENCE OF SUPERPOWER OMNIPOTENCE.

THE DEFENSE LANGUAGE INSTITUTE IS A CRITICAL NATIONAL ASSET, SERVING AS THE ENTIRE DEPARTMENT OF DEFENSE'S SINGLE ACADEMICALLY ACCREDITED INSTITUTE FOR FOREIGN LANGUAGE INSTRUCTION. THE HOPE EMBODIED IN H.R. 1685 IS THAT ITS REFORMS WILL ENCOURAGE THE GROWTH AT THE INSTITUTE OF THE KIND OF PERSONNEL MANAGEMENT PRACTICED AT SUCCESSFUL PRIVATE AND PUBLIC EDUCATIONAL INSTITUTIONS.

UNDER THIS LEGISLATION, DLI WOULD BE ABLE TO STRUCTURE A PERSONNEL SYSTEM TO RESEMBLE THOSE OF COMPARABLE EDUCATIONAL INSTITUTIONS, SUCH AS THE NAVAL POSTGRADUATE SCHOOL AND THE ARMY WAR COLLEGE. IT IS OUR HOPE THAT THE BILL, IF ENACTED, WILL LEAD TO GREATER PROFESSIONALIZATION OF INSTRUCTION AT DLI. OUR GOAL IS HIGHER FOREIGN LANGUAGE PROFICIENCY AMONG DOD PERSONNEL.

THE HOUSE COMMITTEE ON THE POST OFFICE AND CIVIL SERVICE (POCS) HAS ALREADY CONSIDERED AND APPROVED THE BILL WITH SEVERAL AMENDMENTS. THE POCS INCLUDED IMPORTANT LANGUAGE IN ITS REPORT ON THE BILL AFFIRMING THE COMMITTEE'S CLEAR INTENT THAT THE BILL WOULD REQUIRE DLI TO EVALUATE INSTRUCTORS FOR TENURE ON THE BASIS OF THE QUALITY OF THEIR INSTRUCTION, THEIR CURRICULUM DEVELOPMENT, TRAINING, PROFICIENCY, RESEARCH AND OTHER ACADEMIC ACTIVITIES SPECIFIED IN THE ORIGINAL LEGISLATION. VERY IMPORTANTLY, IT IS OUR INTENTION THAT THE SYSTEM VEST RANK AMONG CIVILIAN FACULTY SPECIFICALLY IN PERSON RATHER THAN IN

POSITION.

H.R. 1685 WOULD ACCOMPLISH SEVERAL OTHER IMPORTANT OBJECTIVES. IT WOULD PROVIDE A STATUTORY CHARTER FOR THE OPERATION OF THE INSTITUTE, ESTABLISH IN LAW A NEW AND APPROPRIATE PERSONNEL SYSTEM FOR ITS CIVILIAN FACULTY AND MANDATE A PROPER TRANSITION PERIOD FROM THE CURRENT TO THE NEW SYSTEM. THE NEW PERSONNEL SYSTEM WOULD SET FORTH THE RANGE OF COMPENSATION TO CIVILIAN FACULTY, CONDITIONS FOR THE PROVISION OF ASSISTANCE TO FACULTY INTERESTED IN ENHANCING THEIR ACADEMIC CREDENTIALS AND GUIDELINES FOR THE AWARDING OF DEGREES.

THE FACULTY OF DLI ARE VERY ANXIOUS TO IMPLEMENT THEIR NEW PERSONNEL SYSTEM. THEIR CURRENT IMPROVISED PERSONNEL SYSTEM IS ENTIRELY INADEQUATE BY EVERY EXPERT'S ACCOUNT. H.R. 1685 WOULD ENABLE DLI'S INSTRUCTORS TO IMPROVE THEIR SKILLS, ENCOURAGE THE "BEST AND BRIGHTEST" TO REMAIN WITH DLI FOR MANY YEARS TO COME AND ATTRACT OUR NATION'S BEST LANGUAGE INSTRUCTORS. THE ONLY CURRENT AVENUE FOR ADVANCEMENT, UNFORTUNATELY, HAS BEEN FROM THE CLASSROOM TO THE ADMINISTRATION. FAR TOO MANY OF DLI'S BEST INSTRUCTORS LEAVE FOR GREENER PASTURES WHERE COMPENSATION, TENURE AND PRESTIGE MAY BE HIGHER. IT IS ABOUT TIME WE PROVIDED DOD'S PREMIER FOREIGN LANGUAGE FACULTY THE CHANCE TO PROGRESS AS HIGH AS THEIR TALENTS WILL TAKE THEM WITHIN DLI.

ANOTHER VITAL AND RELATED PROVISION OF THE BILL WOULD ALLOW DOD TO ESTABLISH PAY BANDS FOR DLI'S INSTRUCTORS AND TO CREATE SPECIFIC CLASSIFICATIONS OF INSTRUCTORS PARALLELING THE PAY BANDS. THIS PROVISION IS ONE OF THE PILLARS OF THE NEW PERSONNEL SYSTEM FOR WHICH OUR FACULTY AND ADMINISTRATION ARE FIGHTING. WITHOUT A STANDARD INSTRUCTOR CLASSIFICATION SYSTEM AND PAY LADDER, THE NEW SYSTEM WOULD

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FALL FAR SHORT OF OUR GOALS AND EXPECTATIONS AND THE QUALITY OF INSTRUCTION AT DLI COULD DECLINE.

FINALLY, H.R. 1685 WOULD ALLOW DLI TO GRANT DEGREES TO CERTAIN GRADUATES OF ITS PROGRAMS. THIS AUTHORITY ACHIEVES THREE ESSENTIAL GOALS. IT AIDS THE EFFORT TO RETAIN QUALIFIED INSTRUCTORS, IT OFFERS AN INCENTIVE TO THE INSTITUTE'S STUDENTS AND IT REWARDS PROFICIENT STUDENTS WITH WHAT IS RIGHTFULLY THEIRS. MANY DOD PERSONNEL ATTENDING THE INSTITUTE REGRET THAT THEY DEVOTE SO MANY HOURS TO PROFICIENCY IN A LANGUAGE, AT THE BEHEST OF THE DEPARTMENT, WITHOUT RECEIVING THE DEGREE FOR WHICH THEY WOULD BE ELIGIBLE IN A CIVILIAN INSTITUTION.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I URGE YOU TO RECOMMEND H.R. 1685, AS REPORTED BY THE POST OFFICE AND CIVIL SERVICE COMMITTEE, TO THE FULL COMMITTEE ON ARMED SERVICES EXPEDITIOUSLY AND WITHOUT CHANGE. ON BEHALF OF THE DLI COMMUNITY, THANK YOU, MR. CHAIRMAN, AND MEMBERS OF THE SUBCOMMITTEE, FOR YOUR COURTESY AND ATTENTION TO OUR CONCERNS TODAY. I LOOK FORWARD TO ANSWERING ANY QUESTIONS THE SUBCOMMITTEE MAY HAVE.

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Mr. MAVROULES. Leon, thank you very much for a very strong and very informative statement.

I do have just a couple of questions and I will defer to some of my colleagues. Mr. Skeleton is here. Although he is not a member of the subcommittee, Mr. Skeleton has done an awful lot of work through his own subcommittee and he can be very helpful here this morning.

Leon, DOD proposes as an alternative to your legislation that an existing section of title 10 pertaining to the Army War College and the Command and General Staff College be amended to include the DLI.

This statute authorizes the employment of civilians as faculty members outside the regular civil service personnel system. Now, let me ask the question. What are the specific problems of DLI that concern you and why isn't DOD's approach a satisfactory answer to problems you have seen at DLI?

Mr. PANETTA. Well, I think, as I understand the argument, it ought to come under the War College authority, and the problem you have is that the mission here is not just one related to the Army. It is a Department of Defense mission. That is much broader and, therefore, is not just something that ought to be limited to the authorities contained in the War College code provision.

The second thing, as I said, is that if you include it there, it gives, then, the Secretary of Defense the ability to make some changes. This is a unique enough institute that we ought to provide it the authority, the specific authority, for ranking, for a personnel system that is applied to these other institutes that I have mentioned. I think by doing that, you recognize that you have a very unique mission here that has to attract very unique instructors.

You cannot just lump this all together in the War College authority. I understand—I know the Army mentality: "Oh, this is the easy way to deal with it; put it under this code and we will deal with it." Frankly, if you do that, I am not sure they will deal with it. What I am saying is this problem has been put aside for too long.

Listen, this is not—this legislation just didn't result because we didn't try to do this administratively. I have gone to the Army time and time again, saying let us develop a unique personnel system for this Institute; let us develop the degree-granting authority; let us develop some of the special ranking systems, and you never get anywhere, because you know the problem better than I do.

That is the purpose of this legislation, to try to ultimately force these issues. If we just simply fold it back in someplace else, I think it will get lost.

Mr. MAVROULES. Leon, finally, on my part at least, if your provisions are accepted, does the Army retain the flexibility to make a determination regarding what kinds of languages will be taught or the teachings of a particular language? Do they retain that flexibility?

Mr. PANETTA. Absolutely. Absolutely.

Mr. MAVROULES. They do.

Mr. PANETTA. I think while you have people that would be teaching certain languages, the fact is that the Army still has to dictate what the mission is. If they have a focus on a particular language,

then they should have that capability. What we are trying to do, however, is create a kind of core of instructors that will be there when we need those languages.

Let me tell you what happens in this business, as many of you know. What happens is that when a crisis breaks out, you suddenly bring in professors, bring in people that teach the languages, gear up and try to teach the languages that you need, and by the time you finally gear this process up, the crisis is gone. So, what then happens is, you operate on kind of a crisis mentality to teach languages. You cannot do that. You need to have a core of instructors you can immediately bring in to be able to escalate the efforts to teach those languages quickly.

The Persian Gulf War example is a good example. While we were teaching Arab languages, the fact is, the Persian Gulf War broke out and we didn't have enough people that spoke Arab at that time. That should have been anticipated. If you have a core of instructors that you can fall back on, you can be able to trigger that much more quickly.

Mr. MAVROULES. All right. Thank you. Norman.

Mr. SISISKY. Leon, I don't understand how this bill would give you more instructors in the fields you are talking about. Where would you pull them from?

Mr. PANETTA. You are talking about the quality of instructors that you could pull in. If, in fact, you offer the kind of ranking system, the tenure possibilities that you have here, then you are going to attract better quality instructors. That is just a given.

Otherwise, what you have—let me tell you the kind of instructors that they have had there. Not to say some of them have not been good. But generally what will happen is a country will be—for example, in Eastern Europe when it was behind the Iron Curtain, what you had were people who escaped from that country who came to this country who couldn't do anything else and they decided to teach languages. Well, it is nice but they don't know how to teach languages necessarily. They don't know all the nuances of teaching. So you had this kind of group of people that came in and would try to teach it quickly and didn't do a very good job, and when they got kicked out, they would say, what the hell are you doing to me, I was brought in to do this job and now you are kicking me out.

You can operate on that basis, but it is a bad way to operate the business of instruction.

Mr. SISISKY. It is, but I don't know how this will solve this problem. Tenure comes with civil service.

Mr. PANETTA. That is why you need to change the law.

Mr. SISISKY. My main objection, I told you, is that I am very concerned about it setting a precedent.

In my district, at the Army Logistics Management Training School, you don't pick people off the street to teach logistics training; you don't pick people off the street to teach petroleum management; you don't pick people off the street just for your master school alone. These are academic campuses that are run there. I can see them now, if this bill passes, coming to me and saying why don't we get the same thing?

The tenure, as I look at it, is in the civil service thing. Maybe I am wrong in some of the questions that I will ask you——

Mr. PANETTA. Actually, they are exempted now in the civil service.

Mr. SISISKY. How would you do a RIF in this? As you know, as Chairman of the Budget Committee, we are downsizing and we are going to have to RIF people. How do you do that? Are they protected under the tenure?

Mr. PANETTA. They wouldn't be. The fact is you could have RIFs. But you at least have people at certain levels that you would look to as those you would target first rather than throwing everybody in. I think that is legitimate. I think you want to be able to protect those professors that have proven they ought to remain in the job, not just have a RIF across the board regardless of how long they have taught. That is the problem now. We have people that have taught for over 20 years that could wind up getting kicked out.

Mr. SISISKY. Therein lies the problem that I have. You just stated it. Because of the RIF in these other schools, they are going to want this same protection, I would assume. That is one of my problems.

I have other questions, but I think the other witnesses will probably address them in their testimony.

Mr. MAVROULES. Mr. Hefley.

Mr. HEFLEY. Thank you, Mr. Chairman.

Leon, you mentioned the tenure situation. I guess this bothers me a little bit because, all over the country, school districts, which are the normal places where tenure is, of course, in universities too, are struggling with this matter of tenure. They get a bad teacher or a bad professor and you cannot get rid of him.

In my school district in Colorado, they tell me it costs roughly $100,000 to get rid of an employee, a tenured employee by the time you go through the process.

It seems to me we are taking a step back by creating a different type of tenure system here for these professors. How would you respond to that?

Mr. PANETTA. Well, look, it is a combination of things. It seems to me the most important thing that you have to say to a professor is that, if you do a good job, your pay will go up and; in fact, you can get paid more and that there is a scale that says as you do a good job, you will move up. That is part of it. Tying it to tenure says to that professor, as you move up, you develop at least some job security.

Now, admittedly, if that person is a lousy professor, you ought to have the ability to get rid of that person with or without tenure, and that can happen even under a tenure system.

I think the key that I am looking for here is to try to take the Defense Language Institute, just like the Navy Postgraduate School, just like some of these other institutes, and at least implement the same kind of system that is present at these other academies under the military.

Tenure is not going to prevent a RIF, and under the legislation, frankly, it is going to be reviewed constantly depending on our needs and depending on our financial ability to provide support for the system.

But I think what tenure does is this: Tenure basically is another attraction for people who basically are going to say this is the kind of profession I want to get into, this is where I will advance, and you attract, then, people who can teach the languages that you need.

I mean, you are trying to get good quality people. You don't go to any other university and say, oh, forget that protection, forget that ranking system and expect you are going to attract good quality teachers. You are not.

Mr. HEFLEY. It seems like only in Government we provide something like tenure. Hewlett Packard, from your part of the country, doesn't provide tenure.

Mr. PANETTA. Which?

Mr. HEFLEY. Hewlett Packard, or any other business you want to mention. They don't provide tenure. Only in Government do we provide this kind of protection. What it does, yes, it may help attract some of the good ones, but it also attracts a lot of folks who are not real qualified and who get tenure and can stay there forever regardless of whether they perform or not, because it is just too expensive to get rid of them.

Yes, we can say that we can get rid of a bad teacher, but we have enough experience with tenure across this country to know that, yes, you can, but it is very, very difficult to do.

Mr. PANETTA. I would just assure you that under this proposal they could be removed every 5 years, and that the tenure we are trying to provide here is simply at least some minimal attraction in tenure. It is not the same kind of tenure that obviously would be effective in other universities or in the Government generally. It is tenure that would be applied to this particular Institute and the unique mission that it has.

So I am not trying to suggest tenure here will protect them forever; it does not. Every 5 years you can basically get rid of them.

Mr. HEFLEY. If I may move to another subject. If I read these statements correctly, submitted for today's hearing, I note that the only witness is going to speak to us today who seems to support your bill is the union representative; that the Commandant of the DLI, the Army, DOD, all seem to oppose the bill. Is that correct or not?

Mr. PANETTA. Listen, let us understand something just for the record. Everybody worked on this legislation together. This is not my bill and it is not the union's bill. All of the individuals of the Defense Language Institute worked on this legislation, members of the faculty, members of the administration, members of DOD, and we worked on it together, developed the legislation together, got the support of the Board of Visitors of the DLI in support of this legislation, and the reality now is that the Army is saying, oh, well, now wait a minute.

Now, obviously, the poor colonel is now put in the position where he has to say, well, I have to have the same reservations. But let me assure you that everyone worked on this together. We all have a very common goal here, and this is not just one effort to try to ram something down.

I didn't get into this fight because I had some kind of axe to grind, I got into it because if people at DLI, the head of the school,

the DOD, whom we worked with closely, said we need to do something like this. That is why I got into it. Now I find that after I got into it, developed the legislation, everybody is saying, "Oh, gee, maybe that is not the way we should have done it." Baloney.

Mr. HEFLEY. They seem to prefer the Senate version of the bill. How does the Senate version of the bill differ from ours?

Mr. PANETTA. To tell you the truth, I don't know what the Senate version looks like because they suddenly threw in something on the Senate side I was not made aware of. They have Strom Thurmond to put it in and Strom Thurmond probably doesn't know what he put into the bill.

The fact is, I think the Senate version just basically puts it under the War College provision, and, again, I have some concerns about that because that is, frankly—they could have made these changes now under the authority they have, and they have not done it. So what they are asking now is to somehow put it under the War College.

Mr. SKELTON. Will the gentleman yield? When my turn comes, I can address this and clarify it for both of you, I believe.

Mr. HEFLEY. One last question, Mr. Chairman, if I might.

Mr. MAVROULES. Please do.

Mr. HEFLEY. Then we will move on. But why is it necessary to have a provision mandating that the Government consult with the union in executing its responsibilities at DLI?

Mr. PANETTA. They do that now. They do that now.

Mr. HEFLEY. As a matter of practice or a matter of law?

Mr. PANETTA. As a matter of practice. They do it because it makes sense. I don't know—if it makes sense as a matter of practice to consult, it doesn't mean you don't run the show. It doesn't mean you don't have the ultimate decision. It just means you consult. After all, these people are involved. Their livelihood is involved. There is no reason there shouldn't be consultation. That is good business. But ultimately the decision will rest with the Army. So the purpose here was to basically take what is now their present practice and just recognize that consultation ought to be part of the process, that is all.

Mr. HEFLEY. Thank you, Leon. Thank you, Mr.

Chairman.

Mr. MAVROULES. Thank you, Joel.

Do you mind, Bud, if I go to Mr. Skelton, because his subcommittee has studied this issue?

Mr. DARDEN. That is no problem. I have no questions in the first place, but I would point out, before you go to Mr. Skelton, that being the Chairman's representative on the Board of Visitors of West Point, as another exception to the rule there, and has tenure among the professors there, I think we need to look at DLI in the same situation as West Point and others.

I don't mean to demean the Army Logistics College, whatever it is, but I don't think that is in the same category as West Point.

Mr. SISISKY. If the gentleman will yield. West Point is giving 4-year bachelor degrees there. There is a little difference there. It is a university. We are talking here in the legislation, what is it, a 2-year degree?

Mr. PANETTA. Depends on the——

Mr. SISISKY. There is a big difference there, in my opinion.

Mr. MAVROULES. Good. Now that we have that out of the way, we will go to Mr. Skelton to clarify. Maybe, Ike, you can clarify some of the questions put forth by Mr. Hefley.

Mr. SKELTON. I hope when we are through, Leon, we won't feel like Mark Twain once said, the more you explain it to me the more I don't understand it.

Let me first thank you, Mr. Chairman, for letting me sit in on this hearing.

As you know, I am Chairman of the Military Education Panel which covers this and we have been working on that panel, frankly, with a great deal of success since late 1987. I want to first compliment Leon for tackling this issue. Obviously, it means a lot; and second, I couldn't agree with you more on our need to instruct at all levels, all levels, military, civilian, youngsters, foreign languages. I think that is the future of our country; and when we understand that, as Americans, we are going to find our trade problems begin to vanish. So I really compliment you on that.

I think we can get where you want to go much more simply. Let me give you a little history, if I may. We discovered on our Military Education Panel a number of years ago that somebody had offered an amendment that went into law giving the Navy War College, in 1956, all kinds of payment power and power to have flexibility in establishing the payment and categorizing the professors; and, as a result, the Navy War College, particularly after 1973, used this to a great extent and had professors that they were taking and competing with Harvard, Stanford, you pick them, while the other war colleges were not in that same category.

As a result, in the Military Education Panel's recommendation, we attempted successfully to amend title 10, giving all of the war colleges the, not just the—and you referred to the Army War College, Leon, a few moments ago—all 10 of them, 5 senior and 5 intermediate, and 2 of those war colleges—well, 3, actually, 2 here in town, the National War College and the—come on ICAF, thank you, are under DOD, and then the one, the staff college down in Norfolk is a joint, was turned to a joint operation, not under any particular service—but all these schools we put under title 10 to allow them to pay competitively and to establish flexibility concerning their faculty, and it has worked really pretty well.

You, obviously, have a need, and I might add, Leon, maybe I mentioned this to you, I have visited the Defense Language Institute around the middle of December of last year, and was absolutely impressed with it. Absolutely impressed with it. I compliment you on trying to help them. I think you would be better off in following language that we have already established and is already being used successfully by the various colleges; pick them.

Army War College is an example that you chose, rather than to establish a singular civil service system for one particular school. I think you would have every protection that you wanted, and I would urge you to take a good look at the whole business on it.

I think you might be driven to the same conclusion that I am; that this might more than compensate for what you want. That would be very simply by amending section 4021 of title 10 which

would throw it in the same category, along with Army War College, Command Staff College, National War College, et cetera.

By the way, it will give you more protection and more flexibility in paying higher salaries. I think that would behoove you to want to come under this section.

On your second point, dealing with a master's degree, we have held a number of hearings on various institutes concerning this. There are a lot of hoops to go through, one being congressional authority. We felt that a school that seeks a master's degree, or any degree-granting authority, and, evidently, you might be seeking another degree rather than master's, I don't know, but I think it is the same category, the State, regional and Department of Education hoops should be well on their way, if not fully completed, before we give statutory authority.

We have made the Navy War College, which as you know is an old and established war college, jump through all the hoops before they did it. We held a hearing just the other day concerning the Marines and the school down in Maxwell, their advanced course on this same issue, and we are withholding congressional action until they jump through all the educational hoops—State, regional, and Department of Education—but we will do it. I am sure this time next year they will be falling in line.

Our staff can work with you on this quite well.

Mr. PANETTA. I think that is extremely important, because, as always, you want to attract the best to the military and this——

Mr. SKELTON. We are singing from the same sheet of music, believe me. I want to do it, but I want to do it right, rather than go off and establish something, your own civil service system, which is going to make other schools, such as those mentioned by Mr. Sisisky, say, why not me, too.

Mr. PANETTA. I guess my question is, then, why don't you put the Navy Postgraduate School, the Navy Academy, the Air University, the Air Force Institute of Technology, and all of those others that have separate authority and separate systems, why don't you throw them into the same system?

Mr. SKELTON. That has not been raised; it has not been requested.

Mr. PANETTA. Your argument is you shouldn't establish anything unique and yet the precedent has been established for unique personnel system at these other institutes.

Mr. SKELTON. The type of school that you are dealing with parallels far more the type of schools that we have. It is a postgraduate type of thing as opposed to a four—baccalaureate type degree.

Mr. PANETTA. The Navy Postgraduate School has a separate system and that was provided in the law.

Mr. SKELTON. That is correct.

Mr. PANETTA. This is a postgraduate system.

Mr. SKELTON. We are trying to make it easy for you, Leon. I think you would probably rue the day that you put all of this in the law and you didn't have the flexibility that these other schools have. I think you would.

Mr. PANETTA. Are you saying these other schools that have this specific authority now are somehow——

Mr. SKELTON. They have flexibility in establishing categories, pay scales, and the like.

Mr. PANETTA. But the law for these other schools actually establishes ranks of instructors, authorizes a separate personnel system.

Mr. SKELTON. Only allows it to do it themselves.

Mr. PANETTA. What?

Mr. SKELTON. Only allows it to do it themselves.

Mr. PANETTA. They have to have that authority in the law.

Mr. SKELTON. Yes, we can give that to you. We can give that to you through the other method, by adding it to the section 4021 of title 10 rather than establishing your own civil service system.

Mr. PANETTA. Again, I—I am more than happy to look at that, but my concern is that——

Mr. SKELTON. You are not going to get left out.

Mr. PANETTA. Look, Ike, we have been fighting this thing for a long time, and if the Department of Defense hasn't been willing to do it to this point, under the authorities that they have, then what you are basically saying is, put them into the same bag and hope that the Secretary of Defense will now make the decisions that we have been asking for. Well, trust me, it has not worked.

Mr. SKELTON. Well, trust me, these others do work.

Mr. PANETTA. OK. I just want to see it done. I just don't want to hear a promise that somehow they are going to do it.

Mr. SKELTON. It is not promise, because when you put it in the law, as we have done, we have had no problems, we have had plaudits from these 10 institutions. They are all tickled to death to have the authority.

Mr. PANETTA. I will look at it.

Mr. SKELTON. Rather than get yourself out on the limb and then cut it off, take a look at what we have done and the parallel suggestion that we have.

On the master's degree, I don't know how the Chairman here feels, but I personally would be if your degree-granting authority would be mastered. I would be tickled to death to work with you, but I also suggest that your folks look at what the others have done in jumping through those hoops and then come to us at approximately a time when we can tie it all together at once.

Mr. PANETTA. Sure, I think you are after the same goal I am after. So I would be happy to do that.

Mr. SKELTON. Thank you.

Mr. MAVROULES. Any other questions of our colleague? Staff members?

Leon, thank you very much. You have been most helpful. I think this morning that we kind of cleared the air in a couple of areas. I think Mr. Skelton, who has held hearings on these particular topics, can add an awful lot.

I would suggest to the subcommittee members, however, that we proceed after we have the other two panels this morning to see if we somehow can come up with a workable solution to the problem.

I would not ask Mr. Panetta, nor did you this morning, Ike, to withdraw everything at this point. I don't think that is the intent here, Leon, but to work with us and maybe we can come up with the proper language that will satisfy your intent, DLI, the DOD, and whatever.

Mr. PANETTA. Mr. Chairman, I am most happy to do that. You have always been most cordial and helpful, as have the other members of the subcommittee.

As I have said, I think all of us are after the same goal. Our responsibility is to ensure that the DLI fulfills its mission in an effective way. Anything we can do to try to achieve that, I am more than happy to cooperate.

Mr. SKELTON. Mr. Chairman, one last item. I hope the witness, Mr. Panetta, noticed my eyes did not glaze over during your testimony. I listened very intently.

Mr. PANETTA. Wait until we do the balanced budget amendment.

Mr. SISISKY. You had to bring that up. We fought that for an hour and a half this morning.

Mr. Chairman, may I ask Mr. Skelton a question? I notice in the bill the civilian faculty positions which put it into law—chancellor, senior professors, professors, associate professors, assistant professors, senior instructors, instructors, assistant instructors, academic support staff. Under article 10, could they still not do that, but not written into law specifically?

Mr. SKELTON. They can do that, and you might—I am trying to think of a hypothetical that might cause you trouble, and let me think out loud with you, if I may.

In the last several years, you had a great emphasis on Russian language, for instance. You have all of your professors in the higher category. I think if you would stick it in the law you would have to come back and maybe change that because you would still be Soviet-oriented as opposed to maybe the great threat would be coming from the Far East somewhere. I don't know—this may be a problem.

I think each school should have its own flexibility along that line.

Mr. PANETTA. But I don't disagree with the need for some flexibility, as you determine what missions are important. But let me just share with you one of the concerns I have had. I think too often, as with our Army, the way the Army and DOD deals with other areas, is, they always respond to a crisis. What you need to do in this business is to lay the groundwork so that you are looking ahead. I mean, right now, emphasizing Middle East languages, it seems to me, is money in the bank, because that is always a potential problem area. Emphasizing Korean, emphasizing obviously the Spanish languages, particularly for Central America and elsewhere, that is money in the bank if you continue to teach those languages rather than waiting for some blowup and then responding.

So that is what I have been trying to do, and I think to the credit of the Colonel at DLI and the others, they have been trying to develop some kind of base of languages that will always be there despite the crises that take place.

Mr. SKELTON. I want to point out I think we are singing from the same sheet of music. I couldn't agree with you more. Let us just do it. That gives them authority to pay competitively, by the way. You will love that part. You will love it. Second, they have the flexibility.

Mr. PANETTA. All right.

Mr. SISISKY. Leon, one more question on what you just said. How does this bill rectify the problem that you just stated, of teaching those languages on a balanced—I really don't understand.

Mr. PANETTA. Well, again, I think when you develop a core group of faculty that are proficient in language training and continue to provide that training, you have something that is in place rather than what happens now.

Let me give you a small example, Serbo-Croatian was eliminated 2 years ago. Yugoslavia is blowing up. It is blowing up.

Mr. SISISKY. Why was it eliminated?

Mr. PANETTA. It wasn't viewed as a critical language.

Mr. SISISKY. The same thing is going to happen even under this bill.

Mr. PANETTA. No, the problem now is what we are trying to do is to say, look, develop a core group of languages and professors that are capable and proficient in these languages and try to develop greater stability here rather than this kind of hit and miss operation that you have now, Norm; that is, it is not going to answer all the questions.

The answer to your question is, it is not going to answer all these problems. I mean, this thing in and of itself is not going to solve those problems, I agree with you.

Mr. SISISKY. You are talking about a lot more money to keep staff on hand. Are we talking a lot more money?

Mr. PANETTA. I don't think so. I think now you have 900 faculty there.

Mr. SISISKY. Is it 900 faculty?

Mr. PANETTA. It is about 900 faculty.

Mr. SISISKY. For 3,000.

Mr. PANETTA. For 3,500 students.

Mr. SISISKY. It will diminish to 300. That is a high staff level.

Mr. PANETTA. It is a small teacher-to-class ratio because they have 6 months sometimes to teach proficiency in a language to a student. That takes a hell of a lot of concentration, concentrated effort.

Mr. MAVROULES. Further questions?

Leon, thank you very much.

Mr. PANETTA. Thank you.

Mr. MAVROULES. Thank you for your appearance here this morning.

I would invite to the witness table now, Col. Donald Fischer, Dr. Ray Clifford, and Mr. Alfie Khalil.

Mr. MAVROULES. Colonel, if you would please proceed.

**STATEMENT OF COL. DONALD C. FISCHER, JR., COMMANDANT, DEFENSE LANGUAGE INSTITUTE, DEPARTMENT OF DEFENSE**

Colonel FISCHER. Mr. Chairman, I would like to first thank you for inviting us here today, and we thank the members of your subcommittee and visitors for attending.

We would also like to express our appreciation to Congressman Panetta for the interest he has taken in helping us improve our efforts.

The two bills introduced, House Resolution 1685, and Senate 2636, are very similar in concept to that developed by the Defense

Language Institute in the mid-1980s, providing compensatory means to attract and retain faculty, they would contribute toward high quality foreign language instructional programs that will increase DLI student and graduate language proficiency to levels needed to meet national security requirements, while at the same time, minimizing human, material, and dollar costs. However, the House bill is prescriptive, while the Senate bill provides flexibility needed to respond to the evolving world.

Although the Defense Language Institute is a language training facility, it more closely resembles some professional schools. It requires foreign language teaching specialists with both native level language proficiencies and solid grounding in teaching skills. The academic rigor school is more intensive than at some colleges and universities, and the combination of language and military specialty skills taught at the Institute is used in the most critical and sensitive national security positions.

DLI curriculum is intense and is constantly being modified to meet DOD demands for increased student language proficiencies in the minimum amount of time. Currently, DOD is making substantial demands for linguists with skills at the higher end of the proficiency spectrum, and for ability in additional languages and dialects. The DLI has responded in a number of ways, but despite great progress, many DLI graduates do not fully meet the language proficiency levels required by user agencies.

While numerous factors contribute to that, one significant problem has been the civil service compensation system that gives rank and pay to position. It provides little or no flexibility to reward individual performance.

Our concept would create a salary structure similar to those of colleges or universities and modeled after existing statutes covering DOD educational facilities, such as the Naval Postgraduate School or the Army War College. It allows for compensation based on results of teaching performance and the use of tenure to reward top performers.

Implementation of our concept would increase professionalism among the DLI faculty and support staff, and would contribute directly to improved student proficiency, reduced academic attrition (which has been a problem), and a more productive work force.

As I said before, students of DLI are used in the most critical and sensitive national security positions. Language use in connection with these duties calls for high levels of proficiency; in-depth knowledge of military, economic and cultural structures, and, possibly, application in sensitive, risky, even dangerous, situations. Our school system, public and private schools, with a small number of exceptions, does not graduate students with these skills.

Our mission at DLI is to fill the gap, getting our students to the Federal Interagency Language Roundtable level 2 proficiency, the minimum level at which a linguist can be relied on in reacting to job-generated language requirements. The minimum professional level is level 3, the level at which one can handle not only factual discourse, but things like discerning inferences of hostile intent.

At this point, I would like to call on Dr. Ray Clifford, the Defense Language Institute Provost, and, I might add, president-elect of the American Council on the Teaching of Foreign Languages, to dem-

onstrate what we mean by proficiency levels and the language competencies we are talking about.

Ray.

PREPARED STATEMENT OF COL. DONALD C. FISCHER, JR.

Mr. Chairman, and members of the subcommittee, thank you for inviting me to appear today to discuss H.R. 1685, the Defense Language Institute Foreign Language Center Act of 1992. I'd like to begin by expressing sincere appreciation for the interest that Congressman Panetta and the National Federation of Federal Employees have taken to help us inprove our efforts.

OVERVIEW

*Background*

Two bills, introduced in the House (H.R. 1685) and Senate (S. 2636), are very sinilar in concept to that developed by the DLI. By providing compensatory means to attract and retain faculty, the concept they propose to authorize would contribute toward high quality foreign language instructional programs that will increase DLI student and graduate language proficiency to levels needed to meet national security requirements while minimizing human, material, and dollar costs. However, the House bill is too prescriptive while the Senate bill provides the flexibility needed to respond to the evolving world.

Although the DLI is a language facility, it more closely resembles some professional schools. It requires foreign language teaching specialists with both native level language proficiencies and solid grounding in teaching skills. The academic rigor is more intensive than at some colleges or universities. The combination of language and military specialty skills taught at the Institute are used in the critical and sensitive national security positions.

The DLI curriculum is intense and is constantly being modified to meet Department of Defense (DOD) demands for increased student language proficiencies in the minimum amount of time. Currently, the Department of Defense (DOD) is making substantial demands for linguists with skills at the higher end of the proficiency, and for ability in additional languages and dialects. DLI has responded in a number of ways, but despite great progress, many DLI graduates do not fully meet the language proficiency levels required by the user agencies.

*The Need*

While numerous factors contribute to the shortfalls in language proficiency, one significant problem has been the civil service compensation system that gives rank and pay to position. It provides little or no flexibility for reward of individual performance.

Our concept would create a salary structure silmilar to those of colleges or universities and is modeled after existing statutes coverirg Department of Defense educational facilities such as the Naval Postgraduate School or Army War College. It allows for compensation based on results of teaching performance and the use of tenure to reward top performers.

Implementation of our concept would increase professionalism among the DLI's faculty and academic support staff. This would, in turn, contribute directly to improved student proficiency, reduced academic attrition, and a more productive work force.

GENERAL INFORMATION

*Historical Perspective*

Foreign language action in schools, at least in the beginning, was for the purpose of "training the mind" and was limited to Latin and Greek. Such was the institutional bias against foreign language training that shortly after the First World War, 22 States passed laws restricting the teaching of foreign languages. This was overturned in 1923 by the Supreme Court, but the anti-foreign, anti-foreign language and isolationist inclinations prevailed. The difficulties caused by such attitudes manifested themselves as relations with Japan deteriorated into Pearl Harbor and war.

In DLI began 50 years ago in anticipation of war with Japan. The demand far outstripped the supply of Japanese Americans who could speak Japanese. The Military Intelligence Service Language School was hastily formed at Crissey Field in San Francisco, moved to Camp Savage, MN, and, after the war, located at the Presidio of Monterey. Its graduates served with distinction in the Pacific. After the Sec-

ond World War, Japanese instruction phased down and the languages of the cold war became prominent. Now, Spanish and Arabic are in the ascendancy and we are beginning programs in Baltic and Commonwealth of Independent States languages.

In the early years after the war, refugees of varying educational and cultural backgrounds staffed the school. Native speaker ability was requisite to become a part of the teaching faculty. The early faculty did pioneering work providing a valuable and talented pool of Western European, Slavic and Asian language speakers. Over time, demands placed on these linguists began to increase. Required numbers and proficiency levels grew as the cold war lengthened, global interests developed, and the Third World began to play actively in world political and economic life. Formal language needs assessments as well as real life experience showed that linguists had to be better and the DLI was tasked in the late 1980s to develop a proficiency enhancement plan.

*Current Status*

The DLI today is the largest language teaching institution in the world. It teaches 21 languages to about 4,000 students in its resident program and contracts the teaching of 50 low demand languages for about 500 students per year. The people receiving this very intensive training occupy the most sensitive national security positions, meeting requirements generated by the intelligence and law enforcement communitites, the Defense Attaché Service, and foreign area and security assistance programs.

Language use in connection with such duties calls for high levels of proficiency; in-depth knowledge of military, economic and cultural structures; and, possibly, application in sensitive, risky (even dangerous) situations. Our school system, public and private, with a small number of exceptions, does not graduate students with the skills.

## THE CHALLENGE

Our mission is to get 80 percent of our students to the Federal Interagency Language Roundtable Level 2 proficiency, the minimum level at which a linguist can be relied on to appropriately react to job-generated language requirements. The minimum professional level is level 3, the level at which one can handle not only factual discourse, but inferences of hostile intent.

Within our Institute, we have done much to improve student proficiency, going from 29 percent of our graduating students meeting the goal in 1985 to 67 for fiscal year 1991. The DLI instituted a system of team teaching, site-based management and end-of-course proficiency testing to relate student and teacher performance. We instituted an aggressive professional development program to include providing tuition assistance for teachers to attend graduate level college courses on teaching foreign languages. We maintain close contacts with U.S. and overseas colleges, universities and language schools and support teacher participation in national conferences and meetings to broaden their experience. The only remaining step is to reward professional development, classroom performance, and teaching excellence, while ensuring that the best teachers remain in the classroom. Necessary for the accomplishment of these objectives is a system of rank and related compensation that is "person" based rather than "position" based as is the civil service general schedule.

In 1985 only 8 percent of our Russian graduates reached level 2 in listening and one other skill (of reading or speaking). Recently, we had a class of which 97 percent reached level 2 in two of three skills. In the "truly foreign" languages such as Arabic, Chinese, Korean and Japanese, we have increased the percentage of basic course students meeting these objectives from 11 percent in 1985 to 35 percent, tripling results but still far short of our 80-percent objective.

A second aspect of the problem has been student attrition. In some classes, rates would go as high as 40 percent. Last year, fiscal year 1991, our best year in history, we lost 525 students for academic failure. We estimate that this attrition cost the Government over $5M in pay and student support costs, as well as generating requirements for additional recruits to fill the gap.

Further, 831 students graduated without reaching required proficiency levels. School support and military pay costs for these students were approximately $21M. The total loss was over $25M. Clearly, to reduce this kind of loss, we must ensure that our military students receive the best possible instruction.

Furthermore, instructor skill requirements are increasing. Our instructors must now be able to operate computers and communications systems, understand and apply language training techniques, and either write instructional programs or articulate educational software requirements to professional programmers.

The teacher's role is changing as well. The traditional teacher-centered classroom is making way for parallel activities, small group instruction, and hands-on learner-centered training. Every teacher needs to develop these skills. Because of the urgent need for proficient linguists, and the sensitivity of their work, the DLI faculty must be at the forefront of technology and pedagogy. We need a personnel salary structure that encourages such professional development.

The congressional initiatives, in different forms, aim to address our objectives. The overall purpose is to create the means to compensate faculty based on qualification, experience and performance. Indeed, the Senate initiative, S. 2636, closely parallels a DOD initiative cleared by the administration late last year. Authorization such as it proposes will give us the flexibility to accomplish our objectives.

Mr. Chairman, I deeply appreciate the opportunity to share this information with you and I look forward to answering any questions that you have.

## STATEMENT OF RAY CLIFFORD, PROVOST, DEFENSE LANGUAGE INSTITUTE

Dr. CLIFFORD. These shorthand phrase of level 2 and level 3 are used routinely in the Government but often we don't understand what those mean. We have a videotape (which we won't show in its entirety), with some excerpts of non-native speakers of English speaking English at these varying proficiency levels. This will give you a feel of what it means to be fluent in a foreign language and what it means to be proficient at level 2, which is what we require for entry into most military intelligence positions.

As I mentioned, all of the examples are of non-native speakers of English.

[The following information was received for the record:]

SKILL LEVELS

| Level | Understand/produce | Scope |
|---|---|---|
| 0+ | Isolated, memorized words or phrases | Obvious context. |
| 1 | Short sentences | Familiar topics. |
| 2 | Lengthy descriptions, explanations, narrations | Concrete topics. |
| 3 | Arguments with supporting opinions/hypothetical situations | Abstract topics. |
| 4 | Range of language necessary for persuasion, negotiation counseling | All professional topics. |
| 5 | Fully functional, equivalent to an educated native speaker | All topics, settings. |

The first example is a native speaker of Spanish. On the chart, you will see some descriptions. This is level 0+. That means just above no functional ability. That is, the person has some memorized ability.

Level 1 is a speaker of Farsi. This person will be much better and creative with the language.

The next example is a level 2. This person can narrate, describe, talk about things they have not talked about before, and do so fairly accurately. This is a native speaker of Korean.

If you look at level 3 on the chart, this is the professional level. This is where the language really comes together. You can handle not only factual information, but you can state your opinion and support it. This is a native speaker of Czech.

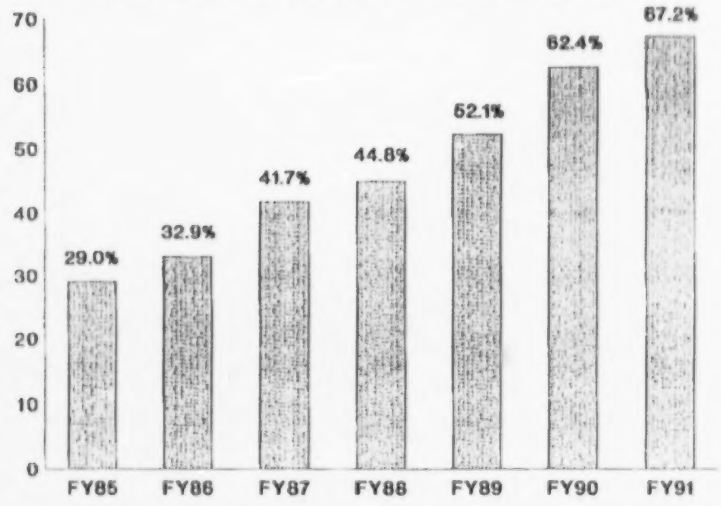
Of course, there are other levels, level 4 and level 5. Level 5 essentially serves as an anchor for the system. This is the level of language ability where you would be so good that you would be accepted as a native speaker of that language by the educated community in that country.

Level 2, though, as you saw, was the ability to handle the factual real world around us, past, present, future time; to determine how

many tanks are coming, how fast they are going; that type of job application.

That, therefore, is the key for us in measuring our success at the Institute. Over the last several years, we have dramatically improved the proficiency results of our students through a combination of educational accountability, site-based management, and professional development.

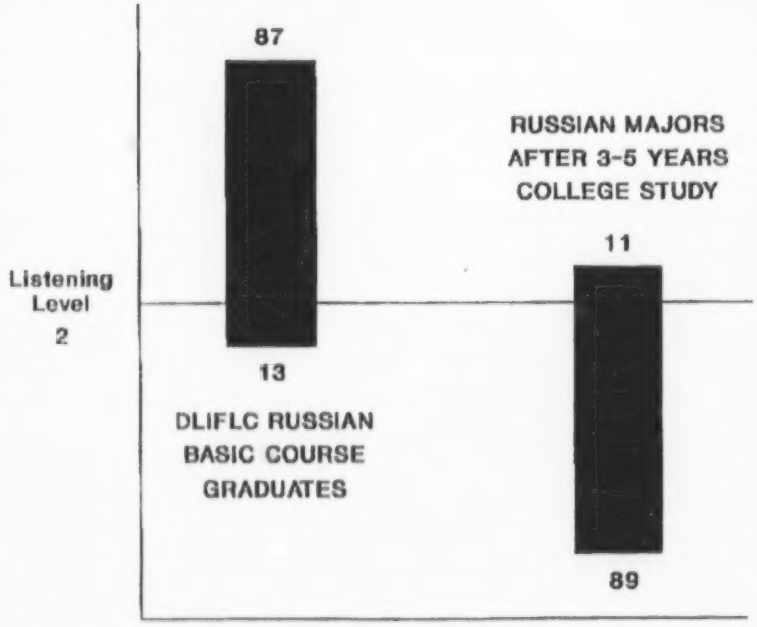
PERCENT OF BASIC COURSE COMPLETIONS FY85-FY91
MEETING 2/2/1 PROFICIENCY OBJECTIVE*




*INCLUDES MILITARY AND FEDERAL AGENCY STUDENTS AT POM

As you can see, beginning in 1985, we started with only 29 percent of our basic course graduates meeting that objective and we are now up to the point of over two-thirds of them having that real-world competence in the language.

# PROFICIENCY COMPARISON




You might be interested in knowing how that compares with the academic community. Some recent data provided by the Educational Testing Services shows, in Russian, for instance, while we are shooting very close to 90 percent of our graduates in Russian attaining that level of proficiency, language majors at colleges and universities with a range of 3 to 5 years of study that were tested showed that only 11 percent had attained that level of competence.

As we look now to the future, we have seen this level of progress at the Institute, and what remains is a very crucial step, that people have already talked about today, and that is to provide a reward system, a system that rewards professional development, classroom performance, excellent teaching, and, central to that, we feel, is a rank in person, merit-based competitive pay plan.

Colonel FISCHER. Sir, in the written testimony, we gave some specific examples concerning successes in Russian and, what we call the truly foreign languages, Arabic, Korean, Chinese, and Japanese. We have been successful, but we still have a long way to go, primarily due to the difficulty of those languages and the cultures from which they come.

We are also mindful of the attrition cost of less-than-adequate teaching. We estimate that the 525 students lost last year because of lack of ability represent an investment of over $5 million in pay

and support costs, while nearly $21 million in pay and support costs went for students who completed the course in languages such as Chinese, Korean, Japanese, and Arabic but did not get to the level 2, which we consider a critical start; remembering that we really need level 3 to work well.

When DLI started over 50 years ago in response to the Japanese threat, we started with the native speaker. As time went on, and missions and requirements became more difficult, we began to emphasize teaching skills, and have achieved some major successes. We must improve beyond that.

Instructors skill requirements are increasing. Our instructors must now be able to operate computers and communication systems; understand and apply language training techniques, and either write instructional programs or articulate educational software requirements to professional programmers.

The teacher's role is changing as well. The traditional teacher-centered classroom is making way for learner-focused instruction with parallel activities, small group instruction, mentoring, and other forms of learner-center training. Every teacher needs to develop these skills.

Because of the urgent need for proficient linguists and the sensitivity of their work, the DLI faculty must be at the forefront of technology and pedagogy. We need a personnel salary structure that encourages such professional development.

The congressional initiatives address our objectives in different forms. The overall purpose is to compensate faculty based on qualification, experience and performance. Indeed, Senate Resolution 2636, closely parallels the DOD initiative cleared by the administration late last year. The authority it proposes will give us the flexibility to accomplish our objectives.

Sir, we deeply appreciate the opportunity to share this with you and look forward to your questions.

Mr. MAVROULES. Thank you, very much, Colonel.

Dr. Clifford, do you have any other statements to make at this point.

Dr. CLIFFORD. No, thank you.

Mr. MAVROULES. I thank you for that. Now we will here from Mr. Khalil.

## STATEMENT OF ALFIE KHALIL, PRESIDENT OF LOCAL 1263, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. KHALIL. Thank you, sir.

Chairman Mavroules and other members of the subcommittee, on behalf of the National Federation of Federal Employees and the nearly 150,000 men and women that we represent, I would like to thank you for this opportunity to testify on H.R. 1685.

My name is Alfie Khalil, and I am the President of the NFFE Local 1263. My union represents the roughly 1,200 faculty and staff at the Defense Language Institute Foreign Language Center.

As you know, H.R. 1685 statutorily establishes the Defense Language Institute. Moreover, the bill establishes a personnel system within the Institute that will protect the instructors and support staff as well as compensate them fairly. We believe that both aspects are vital to the continued strong operation of the DLI.

Employees at the DLI face difficulties over and above the problems all Federal employees face regarding low pay and poor benefits. They face an employment system that does not meet the needs of the function. These men and women are employed by one of the most esteemed language centers in the world. Their jobs, as the Institute has already informed you, concern an intensified instruction program which attempts to achieve complete language proficiency for the students in a short period of time. These languages include not only the romance languages, but Arabic, Chinese, Japanese, Korean, Russian, and other extremely difficult languages.

Such instruction is vital. As we approach the second anniversary of the fall of the Berlin wall, we will all admit that the world today is very different from what it was 2 years ago. The DLI must continue to teach foreign languages for the changing world. For example, a few years ago the Army eliminated the Serbo-Croatian languages from the curriculum. Now, there is talk of armed intervention in the nation's civil war.

Additionally, the Army is considering reducing the Russian instruction. I believe that Russian courses are vital. Despite the collapse of the Soviet Union, the nature of the threat is still at hand, and we must keep qualified instructors at DLI. Unfortunately, many instructors use DLI as a proving ground from which they move from a local college or other institution to gain not only an increased salary, but the prestige of being affiliated with a degree-granting institute.

If the DLI is to remain the highly regarded establishment that it is, then we must statutorily change its structure.

In discussing H.R. 1685, I believe that some historical background regarding the initiative to establish the new personnel system is necessary to shed light onto the situation.

For many years, management in the DLI has discussed a need for a new system. In 1988, DLI submitted a draft proposal for such a system to the Department of Defense and gained their approval. Mr. Panetta obtained and shared this proposal with NFFE. We found many provisions of the proposal to be totally unacceptable because it would have established a system whereby the Secretary of Defense had unfettered discretion to create a new personnel system.

The subcommittee should note that this unfettered approach is still very much present in the Senate as S. 2636, the bill currently pending in the Senate.

After sharing our concerns with Congressman Panetta and his staff, we suggested a different answer to the problem facing DLI employees. Congressman Panetta's office and NFFE and the DLI have fashioned a bill which we believe will solve many of the problems that need to be addressed.

We believe that over the past 50 years, the current administrative structure at DLI has not changed to meet today's academic environment in the world of foreign language teaching. Congressman Panetta's bill, H.R. 1685, establishes DLI as an institute with a specific mission.

In addition, the bill creates a compensation system that fairly pays the language instructors and support staff and correlates pay scales with established positions. This compensation system is

based on the general schedule and would be automatically adjusted as the general schedule is adjusted.

The bill has other vital components, including a means for civilian faculty to pursue additional educational training to enhance their on-the-job performance, a transition period for members of the current civilian faculty to choose which personnel system under which they wish to be covered, and a means for the Institute to award degrees to its graduating class.

Additionally, report language from the Post Office Civil Service Committee will recommend a system of tenure for instructors without taking away appeal rights already guaranteed by title 5 of the United States Code. Such a bill is not unprecedented among educational facilities. The Naval War College, the Army War College, the Air Force Institute of Technology, the Naval Postgraduate School, and others, establish personnel systems whereby civilians can be employed and be excepted from specific aspects of title 5.

Should this subcommittee so desire, I will be happy to furnish the subcommittee with copies of these statutes for the record.

One of the major problems that DLI employees currently face is the Office of Personnel Management classification system. While this classification system works for many positions within the Federal Government, it does not properly address the needs of language instructors.

Under the current personnel system, language instructors are organized into one developmental position, and there is no career development track, and instructors tend to languish with a vast degree of skills but little ability to move through the general schedule. One cannot keep qualified foreign language instructors in the work force for this amount of money.

The system of ranking individual instructors established in the legislation is based on the academic quality and ability of the person. It is not based on the arcane civil service classification system. The quality of each individual teacher is of paramount importance to place people in a ranking position. Once the individual is ranked, he or she would be able to perform a wide range of duties based on his or her qualitative academic ability. The advantages of this ranking system would provide the flexibility needed to meet the mission of the DLI.

The establishment of a tenured system on that scale will give DLI the professional academic credentials that we believe is needed to award and confer degrees to qualified graduates if the curriculum is accredited by appropriate professional authorities in the field. This will be accomplished in accordance with criteria established in other colleges and universities. This stipulation will give the student an educational goal with which to pursue his or her degree within his or her military.

We are dumbfounded that after several years of working closely with the administration of DLI, officials of the Department of the Army, and DOD in developing the bill Mr. Panetta introduced, and having their agreement, with its provisions is kind of disappointing now to see the Pentagon or some who tried to support this bill now they are saying we cannot go for it all the way. This bill will help us. It will help get the structure in place. So we request to work

together, like we have done before, to reach a suitable agreement in this area. We agree it is reasonable and necessary to continue.

I believe it is essential to mention the need for a union presence at DLI and why consultation and negotiation with management at the local level is so important.

NFFE's role has been the driving force to improve working conditions at DLI for the past 47 years. Employees' rights, as founded by Congress in the Civil Service Reform Act, are best served by expressing NFFE's views and aspirations through collective bargaining. A single employee is vulnerable when standing alone, but is protected when represented in a collective bargaining organization.

The relationship between NFFE Local 1263 and DLI Command Group is built on trust and mutual understanding. We share information with each other and work together to meet the Institute's mission. NFFE supports a constructive relationship with management at all levels of the organization. If we have a more effective relationship based on consultation and negotiation, we can resolve and innovate workable solutions to any issue. At the same time, such a system created by H.R. 1685 will not replace rights already guaranteed by title 5.

Mr. Chairman, we all know how volatile the world is today. We live in a global world of transition. Unpredictable events rage everywhere; regional wars are fought and the nations of the world are seeking their national identity. In my opinion, we should stand vigilant and on guard, to watch, wait and prepared to act.

I believe the DLI is a national asset and it should be included in the process that formulates the Nation's military strategy. We must continue to invest in the future of the military personnel—those people right there—and the talented work force at hand; the people who make them as such. We must maintain our language capabilities in times of both war and peace.

NFFE Local 1263 respectfully recommends H.R. 1685 because it provides for a personnel system that will foster improved resources at an already excellent institution. We welcome its provisions, and I would be happy to answer any questions you may have.

Mr. MAVROULES. Thank you, very much, Mr. Khalil, and let me thank all three of you for your testimony here this morning.

PREPARED STATEMENT OF ALFIE KHALIL

Chairman Mavroules and other members of the subcommittee, on behalf of the National Federation of Federal Employees and the nearly 150,000 men and women that we represent, I would like to thank you for this opportunity to testify on H.R. 1685. My name is Alfie Khalil and I am the President of NFFE Local 1263. My union represents the roughly 1,200 faculty and staff at the Defense Language Institute (DLI) Foreign Language Center (FLC).

The DLI was established in 1941 when instructors began teaching Japanese. During World War II, more than 6,000 military linguists were trained. In 1946, the Army established the school at the Presidio in Monterey. Tens of thousands graduated during the 1950s serving in Korea, Europe and elsewhere in the world. During our long involvement in Southeast Asia, the DLI trained more than 20,000 military personnel in Vietnamese. Since its creation, more than 160,000 military linguists have been trained in more than 40 different languages. The most recent graduates of the DLI have written a new chapter in history—playing a vital role in arms verification with the former Soviet Union, the war on drugs and our victory in Operation Desert Storm.

As you know, H.R. 1685 statutorily establishes the Defense Language Institute (DLI). Moreover, the bill establishes a personnel system within the institute that

will protect the instructors and support staff as well as compensate them fairly. We believe that both aspects are vital to the continued strong operation of the DLI.

Employees at the DLI face difficulties over and above the problems all Federal employees face regarding low pay and poor benefits. They face an employment system that does not meet the needs of the function. These men and women are employed by one of the most esteemed language centers in the world. Their jobs, as the Institute has already informed you, center on an intensified instruction program which attempts to achieve complete language proficiency for the students in a short period of time. These languages include not only the romance languages but Arabic, Chinese, Japanese, Korean, Russian and other extremely difficult languages.

Such instruction is vital. As we approach the second anniversary of the fall of the Berlin wall, we will all admit that the world today is very different from what it was one year ago. These differences demand the ability to recruit and retain instructors who are well qualified to teach foreign language to individuals who will be stationed overseas and represent our interests abroad. The DLI provides the structure for qualified instruction, but under the current system, there are few incentives for the best instructors to remain. In fact, many instructors use the DLI as a proving ground, from which they move to a local college or other institution to gain not only an increased salary, but the prestige of being affiliated with a degree granting institute. If the DLI is to remain the highly regarded establishment that it is, then we must statutorily change its structure.

In discussing H.R. 1685, I believe that some historical background regarding the initiative to establish a new personnel system is necessary to shed light onto the situation. For many years, management at the DLI has discussed a need for a new system. In 1988, DLI submitted a draft proposal for such a system to the Department of Defense and gained their approval. Mr. Panetta obtained and shared this proposal with NFFE. We found many provisions of the proposal to be totally unacceptable because it would have established a system whereby the Secretary of Defense had unfettered discretion to create a new personnel system. (The subcommittee should note that this bill is currently pending in the Senate as S. 2626.) After sharing our concerns with Congressman Panetta and his staff, we suggested a different answer to the problems facing DLI employees. Responding to Congressman Panetta's office, NFFE and the DLI have fashioned a bill which we all believe will solve many of the problems that need to be addressed. We believe that over the past 50 years, the current administrative structure at the DLI has not changed to meet today's academic environment in the world of foreign language teaching.

Congressman Panetta's bill, H.R. 1685, establishes the DLI as an institute with a specific mission. In addition, the bill creates a compensation system that fairly pays the language instructors and support staff and correlates pay scales with the established positions. This compensation system is based on the General Schedule and will be automatically adjusted as the General Schedule is adjusted. The bill has other vital components including: a system of tenure for instructors, without taking away appeal rights already guaranteed by title 5 of the United States Code; a means for civilian faculty to pursue additional education training to enhance their on-the-job performance; a transition period for members of the current civilian faculty to choose which personnel system under which they wish to be covered; and a means for the institute to award degrees to its graduating class.

Such a bill is not unprecedented among educational facilities. The Naval War College, The Army War College, the Air University, the Air Force Institute of Technology, the Naval Postgraduate School, the Coast Guard School, and others, establish personnel systems whereby civilians can be employed and be excepted from specific aspects of title 5. Should this subcommittee so desire, I will be happy to furnish the subcommittee with copies of these statutes for the record.

One of the major problems that DLI employees currently face is the Office of Personnel Management classification system. While this classification system works for many positions within the Federal Government, it does not properly address the needs of language instructors. Under the current personnel system, language instructors are organized into one developmental position and range from the GS–5 to GS–9 level. These are "dead end" positions at a salary level between $17,686 and $26,798 per year at the bottom of the scale and between $22,996 and $34,835 at the top of the scale. There is no career development track and instructors tend to languish with a vast degree of skills but little ability to move through the general schedule. One cannot keep qualified foreign language instructors in the work force for this amount of money.

The current system continues to present a real problem in the area of recruitment and retention of qualified individuals. In order to meet the demand for higher student proficiency in the targeted language areas, we must professionalize the work force to meet certain demands. We have found that many individuals come to the

DLI as a proving ground and then move on to a local community college and earn as much as 40 percent more. The system established under H.R. 1685 raises the classification standard for DLI positions, equates them with comparable academic positions, and corrects some of the inequities. The bill is based on the successful experiences of the Army War College, the Naval Postgraduate School, the Air Force Institute of Technology and others.

The system of ranking individual instructors established in the legislation is based on the academic quality and ability of the person. It is not based on the arcane civil service classification system. The quality of each individual teacher is of paramount importance to place people in a ranking position. Once the individual is ranked, he or she would be able to perform a wider range of duties based on his or her qualitative academic ability. The advantages of the ranking system will provide the flexibility needed to meet the mission of the DLI.

In the present system, the DLI hires native speakers because of their language ability but does not require professional teaching qualifications. H.R. 1685 will initiate the process of professionalizing the faculty by offering the opportunity for the faculty and the staff to acquire a degree in teaching foreign languages and related fields. The process will correlate pay scales and grade with the established rank in person on the academic ladder. It establishes a system of tenure parallel to those found in university programs. There are safeguards built into the tenure process to ensure that individuals who do not meet the mission of the DLI can be removed. The system, however, does not take away any rights already granted to Federal employees. In essence, the tenure committee works to review performance of employees in a similar way to Chapter 43 reviews, yet retains the performance review safeguards. All decisions by the tenure review board are appealable. This provision mirrors the rights recently granted in the new excepted service appeals law. *See* P.L. 101–376. Thus, the tenure is an even keeled method of ensuring that quality language instruction is given at the DLI without taking away any vital protective rights.

The DLI must continue to remain the primary language institute serving students of the military components and members of Federal agencies. The civilian faculty member is a source and resource for language acquisition and language teaching related to the nature of the language in its authenticity. This makes the native speaker a unique model representing the target language of the country in its global meaning and experiences. These skill could not be replaced by military staff. Members of the military staff play a unique role by assisting with teaching activities and handling student needs. Under H.R. 1685, military staff will continue their role in assisting the faculty without replacing them in their foreign language teaching duties and responsibilities. We endorse this section of the bill.

The establishment of a tenure system on that scale will give the DLI the professional academic credentials it needs to award and confer degrees on qualified graduates if the curriculum is accredited by the appropriate professional authorities in the field. This will be accomplished in accordance with criteria established in other colleges and universities. This stipulation will give the student educational goals with which to pursue his or her career within his or her military.

As I said, NFFE represents roughly 1,200 faculty and staff at the DLI. Among our main interests is to ensure that members of our faculty are assured career progression and are protected in the jobs they perform. We believe that H.R. 1685 provides these vital aspects. Under the leadership of Col. Donald C. Fischer, Jr., and Dr. Ray T. Clifford, management at DLI has taken some initial steps to provide limited career progression by creating some additional GS–11 positions. This is a step in the right direction and at a minimum, we hope it will continue. Establishing these positions will help ensure a smooth transition to the provisions included in H.R. 1685. Additionally, creating more GS–11 positions helps to achieve greater proficiency goals. We do not believe, however, that such, by itself, will meet our national security requirement, Thus, we must statutorily create more positions and a higher rank to ensure quality within the DLI.

I believe it is essential to mention the need for a union presence at the DLI and why consultation with management there is so important. NFFE's role has been a driving force to improve working conditions for employees at the DLI for the past 47 years. Employees rights, as found by Congress, are best served by expressing employees views and aspirations within the boundary of the law. A single employee is vulnerable when standing alone but is protected when represented in a collective organization. The relationship between NFFE Local 1263 and the DLI Command Group is built on trust and mutual understanding. We share information with each other and work together to meet the institute's mission. NFFE supports a constructive relationship with management at all levels of the organization. If we have a more effective relationship, based on consultation, we can resolve and innovate

workable solutions to any issue. At the same time, such a system, created by H.R. 1685, will not replace rights already guaranteed by title V.

Mr. Chairman, we all know how volatile the world is today. We live in a global world of transition. Unpredictable events rage everywhere; regional wars are fought and the nations of the world are seeking their national identity. In my opinion, we should stand vigilant and on guard—to watch, wait and prepared to act. I believe that the DLI is a national asset and it should be included in the process that formulates the Nation's military strategy. We must continue to invest in the future of the military personnel and the talented work force at hand. We must maintain our language capabilities in times of both war and peace.

NFFE Local 1263 respectfully recommends H.R. 1685 because it provides for a personnel system that will foster improved resources at an already excellent institution. We welcome its provisions and I would be happy to answer any questions you may have.

Mr. MAVROULES. Let me cut across this so we can understand where everyone is coming from. No. 1, let me ask the military, how do you make that determination as to whom is going to be your instructors and then how do you accept the students that are going to be taught the foreign languages? Where does that begin?

Colonel FISCHER. Right now, on the instructor side, we canvas usually major cities, where large ethnic populations exist, and we advertise for a position. Then we get people who interview and we look at their qualifications; look for academic teaching experience. We try to get the highest quality person possible. That is where our faculty comes from now.

As far as students go, during induction they are administered a Defense Language Aptitude Battery and based on their scores on that, they are selected for a language study. It is their ability that determines the language they get.

Mr. MAVROULES. Let me just ask do you ever take recommendations from the Intelligence Committee or the intelligence community, never mind the committee, or Foreign Affairs or Department of State? Do they make recommendations as to what kind of selections ought to be made?

Colonel FISCHER. Yes, sir, as far as language priorities and emphasis, the Board of Visitors that was talked about, is one source, and we have a General Officer Steering Committee composed of the deputy chiefs of staff of intelligence for each of the services, plus the heads of training for the National Security Agency and Defense Intelligence Agency, as well as the Assistant Secretary for Special Operations and Low Intensity Conflict. All participate in defining our priorities for us.

Mr. MAVROULES. Very good. I am beginning to get the impression here this morning—and please feel free to correct me or at least clarify for me—that somehow Mr. Panetta or Mr. Khalil seem to feel maybe there was some agreement made or an understanding with the Army and then you are coming to the table this morning with certain objections. I thought they had the impression most of this was worked out. Do you want to clarify that for us?

Colonel FISCHER. We have been working on the bill a long time. It started in 1986, and it basically came up as you see it in the House Resolution 1685.

Of course, during the last couple of years there has been some interjection concerning some of the provisions such as titles. Enacting these into law would make it a little difficult to change; we would have to come back to Congress to do it every time. Those

kind of provisions have been considered and, therefore, I believe that the Army and DOD now has agreed to the provisions in Senate Resolution 2636.

Mr. MAVROULES. How about the Panetta resolution; how do you feel about that?

Colonel FISCHER. It certainly meets the provisions of satisfying the objectives. Again, as I said, it is restrictive, though, in terms that it prescribes a lot of structure inside our organization that could be tough to deal with if I wanted to make a change based on a current need.

For example, language mix. That would be an issue that we would find tougher to deal with under Congressman Panetta's bill than under the Senate resolution.

Mr. MAVROULES. But, basically, do you agree with the initiative undertaken by Mr. Panetta? I don't want to put words in your mouth, but basically do you agree with the initiative?

Colonel FISCHER. Yes, sir, it will handle the needs of the Defense Language Institute as will the Senate resolution.

Mr. MAVROULES. Anyone else wish to remark on that?

Mr. KHALIL. Excuse me, sir, could you repeat the question, please?

Mr. MAVROULES. Again, I think you give the impression that you thought you might have had an agreement with the military and then they are now coming to the table here and not fully supporting the initiative taken by Mr. Panetta. Would you explain that?

Mr. KHALIL. Yes, early on, since 1987 or 1988, we have been sharing information with management and debating and thinking and asking for advice from every expert or knowledgeable person about how to go about the initiative that has been put forth by DLI in creating the new system.

We got involved in that level and we shared many informations. We have a lot of contact with Mr. Panetta's office. Also a lot of DLI management shared the information with us, "what do you think?" We did not do anything in writing per se. We were not sitting negotiating A, B, C, D, agree here it is. But it was an opportunity where everybody, the faculty themselves, people involved themselves, they put their share of opinion, input, and everybody was involved in this shared with knowledge, expertise and opinion, in order to move forward. Finally, we were very happy to have the bill introduced last year, and our goal, of course, is to support this bill and have it worked out in as short a time as possible.

Mr. MAVROULES. Mr. Sisisky.

Mr. SISISKY. Mr. Khalil, while you were speaking I noticed in your testimony that the faculty positions range from GS–5 to GS–9. Is 9 the top level?

Mr. KHALIL. Yes, for example, I am here, I have been working for 13 years and I am still a GS–9. I have no other track path. I cannot change my career or develop it in such a way which it can be sophisticated enough to do other things that is required by language teaching, which is very complicated and a creative art by itself.

So I am limited by that cap. I am sitting in a position and if I follow my job description I will just carry my books, for example, and go to lecture the class about the language and leave. It is not

as simple as this, but there are limitations in the scope of how much you can create with the language and how much you improve your quality. How much you are doing is not based on anything except position and title, as classified at that pay.

Mr. SISISKY. Colonel, what is your turnover in your faculty?

Colonel FISCHER. Dr. Clifford.

Dr. CLIFFORD. Yes, we have figures for turnover, and the interesting thing is, in the last few years we have been very selective in our hiring, and our highest turnover rate is among recent hires who would qualify for jobs in other academic institutions.

Across the board, though, our faculty turnover rate is three times as high as the percentage nationally in civil service 1712 classification. Although not a very high percentage it is three times higher than the national average. It is around 8 percent across the Institute.

Mr. SISISKY. What is the average length of service of your faculty?

Dr. CLIFFORD. Again, in the recent hires, we are seeing a 15-percent turnover rate. The average length of service would be, right now, around 10 years. That is everyone.

Mr. SISISKY. Is that with the new hires?

Dr. CLIFFORD. That is all categories of faculty, they are about 10 years, average.

Mr. SISISKY. I am looking at your proficiency comparison. Looks like you are doing pretty good with the faculty you have, although in all honesty, it really isn't a fair comparison if you base it on college. The 3 hours a week, 9 months a year—you are talking about how many hours a day? It is not a fair comparison, in all honesty; but if I wanted to use that as an argument against what you had said, it looked pretty good to me.

Dr. CLIFFORD. If you will notice, sir, on the bottom chart here, we are still well short of the minimum 80 percent we are looking for. Ideally, it should be 100 percent level 2 and a high percentage of level 3 people going out into these jobs in the military intelligence.

Again, the level 2 can tell the difference between "tanks have attacked" and "tanks will attack" but it takes a level 3 to determine hostile intent; to read between the lines and pick up on nuances of the language.

Colonel FISCHER. We took some risk when we showed you that chart. If you took a look at the difference between the level 2 person and the level 3, you would have to ask yourself who would you want to interrogate the Iraqi general who knows where the mine fields are. We certainly would want a level 3 to handle that particular job and that is what we are talking about. We are talking about that kind of position where we need the eyes of language.

Mr. SISISKY. One of the arguments Mr. Panetta gave is you talked the Serbian language, Serbo-Croatian. How would this bill solve that problem?

Colonel FISCHER. His bill requires that on the day of the legislation that we would maintain the same language composition that we had when it went into effect. So what you would be doing is teaching some of each language that we currently have on into the future to maintain a reserve of faculty competence.

Mr. SISISKY. How do you differ from the Department of State?

Colonel FISCHER. In language teaching?

Mr. SISISKY. Yes.

Colonel FISCHER. Not very much, sir. We try to get about the same class sizes. I would say the State has a much more rigid selection requirement for students, and because of their ability to pay at the GS–13 level and their instructor levels, they can attract a higher qualified teacher.

Mr. SISISKY. That is what I was getting at; they do pay at a GS–13 and that ties in with the GS–9.

Colonel FISCHER. We do make some provisions for some GS–11s. But we are talking $33,000 a year without benefits for most of our people in the classroom.

Mr. SISISKY. What do you mean, without benefits?

Colonel FISCHER. Total compensation is 39,000 average with benefits.

Mr. SISISKY. I thought you were talking about something else.

Colonel FISCHER. I just had a point on the FSI. Our student age is much younger at DLI. Eighty-six percent of our students are first-term enlistees, so we are talking 18 to 20 years of age, whereas the FSI student is much older, has made a decision for professional service.

Mr. SISISKY. Do you think you could fit under this article 10?

Colonel FISCHER. Yes, sir.

Mr. SISISKY. Would that be of help?

Colonel FISCHER. Yes, sir.

Mr. SISISKY. It would still give you the flexibility?

Colonel FISCHER. Yes, sir.

Mr. SISISKY. It is nothing against that, but I can just see the list of different schools in the Army and the Navy, everybody coming in here and asking for a separate personnel system, and I wouldn't blame them.

I am disturbed about the GS–9 level. I think that is a shame in proficiency, in teaching. I wouldn't show that chart, though, on proficiency to prove that point.

Thank you, Mr. Chairman.

Mr. MAVROULES. Buddy Darden.

Mr. DARDEN. Thank you, Mr. Chairman. I wanted to follow up on a point that Mr. Sisisky made about FSI and DLI, and wonder if you foresee any circumstances under which perhaps these two functions could be merged?

Colonel FISCHER. We are basically dealing with the same problem, and it is a personal opinion of mine that war today is taking on different looks. You fought to a military standstill, now maybe the competition will take place in the economic and other spheres. I think we will find overlap in the missions of the two institutions.

Mr. DARDEN. What concerns me most is that there is so much overlap and there is the inequity of pay we seem to have between the State and DOD. It does not appear to be justified in any respect, and that is why I wanted to pursue that a little bit further.

Now, you mentioned that you draw from normally first-term enlistees; is that right?

Colonel FISCHER. Right.

Mr. DARDEN. How do you go about selecting these people? How does somebody end up in DLI?

Colonel FISCHER. The person may enlist for it. That could be an option that they are recruited for and that is a big one. We draw a lot there.

Mr. DARDEN. This is where the signing bonus comes in; is that right?

Colonel FISCHER. Right. They will be tested. If they have the requisite aptitude, they go through our course, and complete the military specialist training after our course. It is about 5 months beyond our course, and then they receive a bonus, if that was the part of the recruiting agreement.

But we also have the second source. We do test people going through the entry processing, and based on their aptitude scores, the general ones, they take plus the Defense Language Aptitude Battery. We then offer them a chance to come to the Defense Language Institute, and many take us up on that.

Mr. DARDEN. How many of your students are non-military or civilians?

Colonel FISCHER. We have about 200 students—I better check that—a year. It is about 100 at this time. We are teaching War on Drugs-related Spanish to the Drug Enforcement Agency and the Customs Service at the current time at our school.

Also, FBI does take part in our curriculum for very specialized languages and requirements that they have.

Mr. DARDEN. So you are open, then, to other Government agencies?

Colonel FISCHER. Yes, sir, we are. In fact, the National Security Agency will send people periodically, the State Department also will. Because of the unique skills we have, we do have other agencies applying to us and they reimburse us for the services we provide.

Mr. DARDEN. Going back to Mr. Sisisky's point about FSI, we have talked about putting the legislation under the laws which relate to DOD, but does DLI necessarily have to be under the Department of Defense? I know, according to its name and so forth, it has to be, but do you foresee maybe a completely civilian agency? I realize it is a difficult question, your being a military man and so forth.

Colonel FISCHER. If I were blue-skying into the future and the current strategic changes take place, I could see us using the language skills generated by DLI in other areas. Commerce and State would be two very notable areas that we could use the capability that DLI has. It is unique. You don't have a crowd of that kind of language competence and synergy anyplace else.

Mr. DARDEN. To echo what Mr. Skelton has said, I think everybody wants to go to the same place. It is just a question of how we get there; and I think we all agree on the general problem, but the solution is somewhat up in the air.

In any event, thank you for being here with us this morning. We appreciate your time.

Colonel FISCHER. Thank you, sir.

Mr. MAVROULES. Before I defer to Mr. Skelton and then Mr. Hopkins, I want to notify the subcommittee members that Mr. Jehn

has an appointment at 12:15. I would like to get him on as soon as possible so that he can testify before the subcommittee.

Ike, if you would like.

Mr. SKELTON. Yes, I might comment on one thing. The purpose of our drafting of title 10 was to allow the schools to pay more, to attract first-class instructors. I had the Navy War College before. We did this to compare their pay scales to other universities and colleges in the Nation. They were competitive with the Ivy League-type schools and that was the purpose of our passing that for the Army War College, National College, et cetera.

If you fit under that, as I said, I think you will love it. Now the $64 question. You have authority, Colonel, to choose Leon Panetta's bill or to come under title 10. Which would you choose?

Colonel FISCHER. I would have to say title 10, sir.

Mr. SKELTON. Thank you.

Mr. MAVROULES. Mr. Hopkins.

Mr. HOPKINS. Colonel, let me ask you. How long have you been Commandant?

Colonel FISCHER. Sir. How long?

Mr. HOPKINS. How long?

Colonel FISCHER. For over 3 years. Almost 3 years, I am sorry.

Mr. HOPKINS. The person before you, how long was that person Commandant?

Colonel FISCHER. He was about 10 months.

Mr. HOPKINS. Ten months?

Colonel FISCHER. Yes, sir.

Mr. HOPKINS. How long do you expect to be Commandant?

Colonel FISCHER. Until the first of February of next year when my mandatory retirement date comes.

Mr. HOPKINS. Is there a tour connected with the institution?

Colonel FISCHER. It is generally 3 to 4 years, sir.

Mr. HOPKINS. Three to 4 years?

Colonel FISCHER. Yes, sir.

Mr. HOPKINS. This is a technical institution, not a land grant college, if you will. Does it have any function other than language?

Colonel FISCHER. We teach some area studies related to the cultures of the languages represented. But we are basically language oriented with background study regarding the nations involved.

Mr. HOPKINS. You have just stated that you would prefer title 10 over Mr. Panetta's bill; is that correct?

Colonel FISCHER. That is what I stated, yes, sir.

Mr. HOPKINS. How about the other two gentlemen? Do they have a preference?

Colonel FISCHER. Well, the union?

Mr. KHALIL. We support Mr. Panetta's bill. It took us a lot of hard work to reach that point where we could make it very effective, and if we—and you all think objectively about this and see the benefit to the students and to the organization will far exceed a lot of problematic legalities. We would like to avoid as much as possible those types of obstacles. But we would like to see something that would work out very well for our need, to see for sure, something set aside to help the Institute, as is, today.

Mr. HOPKINS. You have a difference with the colonel on that. You prefer Mr. Panetta's bill over title 10; is that correct?

Mr. KHALIL. Yes, I do.

Mr. HOPKINS. The other gentleman?

Dr. CLIFFORD Can I agree with both of the other individuals? From an academic perspective, what we have been working on is the "what." This is what we need. I think we are now to the point, and I hear the discussion in this room today focusing on how best to accomplish the "what." What we are looking for is the rank in person, competitive merit-based pay system, and, along with that, we have discussed other pieces.

There was some discussion of tenure. One of the key parts of our discussion was to develop an improved tenure system. Civil service includes tenure. You have a probationary year of employment, at the end of the year you are essentially tenured.

One of our basic courses in Russian lasts an entire year. We would like to see teachers teach more than one course before we make a decision to grant them tenure.

We also would like to see a mandatory tenure review so that there would not be a possibility of one's resting on laurels after attaining tenured status.

So there are some details that we have added as we have been talking about this, but the central component is that merit-based rank in-person system that would move us away from a position-based classification system where all teachers are paid the same because they are teachers.

Mr. HOPKINS. Colonel, does DOD have a position on this legislation?

Colonel FISCHER. Yes, sir, the DOD position would be to support the title 10.

Mr. HOPKINS. Support title 10?

Colonel FISCHER. Yes, sir.

Mr. HOPKINS. There is no opposition to title 10 in DOD?

Colonel FISCHER. I don't know.

Mr. HOPKINS. Have you inquired about that at all of DOD?

Colonel FISCHER. Well, the S.R. 2636 is what was submitted and supported by the Department of Defense.

Mr. HOPKINS. Why do you think it is necessary to have a law extending DLI degree-granting authority?

Colonel FISCHER. It had two reasons initially. One was to add to the prestige of the faculty by belonging to a degree-granting institution, and the second is as a motivational device for the students. It could serve to give them a real focus toward the end of the curriculum if they could get a 2-year associate degree. That would have also added to the pool of perhaps ROTC candidates and OCS candidates.

In both cases, however, we will be able to get degree-granting authority under title 10. That works also. So as we work that through DOD and the forces' people, force manpower people at DOD, we will work toward some kind of system if it has merit.

Mr. HOPKINS. I am not attempting to be argumentative at all. I am only trying to probe somebody who has some expertise on the subject, certainly beyond this Member of Congress, and that is the panel there. But why do we need to have a chancellor; why do we need to have professors, assistant professors; could that be in any

way considered overkill; a technical school which is not a land grant institution?

Colonel FISCHER. One of my problems with H.R. 1685, is that it is designating titles of that nature. When we began to work on it earlier, it was, again, to get this prestige. You had compensation plus the prestige of belonging to an academically recognized institute.

There are many other ways to do that, and certainly the Institute and the Department of Defense ought to have the capability to determine its internal structure without having it prescribed.

Mr. HOPKINS. Is it, Colonel, the assumption that the existing faculty is expected or qualified to step into these positions that would be created?

Colonel FISCHER. No, not in all cases. We have—we only have 91 faculty members who do not have a bachelor of arts degree or equivalent. About 60 percent of our faculty have masters and advanced degrees above that. Many of them will qualify, but the question is, is their training related to language instruction, and is their language proficiency high enough to take the native speaker and move them to the qualification?

We also have a program planned out of internal resources to give teachers access to advanced degrees and course work leading to advanced degrees to allow them to qualify and participate in this system. In fact, that is one of the big things. When we hold that out there, this gives a reason for that faculty member, instead of taking a job in a local market to pay for his house in Monterey, to go to a college at night and work toward increasing their qualifications. There would be a reason for doing that.

Mr. HOPKINS. Thank you, very much.

Mr. Chairman, let me, if I may, just finally ask counsel if this legislation is getting a joint referral at all?

Mr. SCHWEITER. It is jointly referred to the Post Office and Civil Service and Armed Services Committees. Post Office and Civil Service has reported out a clean bill, which is the amendment that Mr. Panetta has submitted to the Rules Committee.

Mr. HOPKINS. Post Office and Civil Service has sent out H.R. 1685?

Mr. SCHWEITER. Right. That is a clean bill.

Mr. HOPKINS. Thank you.

Mr. MAVROULES. All right, thank you. Let me just quickly, Colonel, ask a question. Do you have a problem with the tenure provision within the bill?

Colonel FISCHER. The tenure position needs to be coupled with some of the early provisions, and I believe it is in Mr. Sikorski's report that we would have a 5-year tenure review. So we would have a chance to look at people and make sure they are continuing in their growth and continuing in their outstanding performance.

Mr. MAVROULES. The reason I say that is because my background at one time was as former chief executive and I was the chairman ex officio on school committees. Almost every public school system has a tenure system set up and you certainly have enough safeguards to make a determination whether or not a person is inferior for the position or they are not producing. I would think that ought to be one of your very clear-cut decisions to be

made. It is so easy and so simple, and you know, it comes back to the fairness issue.

Colonel FISCHER. Yes, sir, we want—as part of the tenure process—is we do want a tenure review to make sure the teachers are continuing to perform in the way that is required by——

Mr. MAVROULES. You mentioned a 5-year period. In most of the public school systems, you have a 3-year review period. You might want to take a look at that to give some incentive to your faculty here. You talk about the prestige factor. There is nothing more prestigious than to have a permanent position, in my judgment.

Thank you all for your excellent testimony here this morning. We appreciate it very much.

Now, I will call to the witness table the Honorable Christopher Jehn and the Honorable William Clark.

Mr. Jehn, if you would proceed, and welcome.

**STATEMENT OF CHRISTOPHER JEHN, ASSISTANT SECRETARY OF DEFENSE, FORCE MANAGEMENT AND PERSONNEL, DEPARTMENT OF DEFENSE**

Mr. JEHN. Thank you very much.

Let me quickly emphasize a few points and perhaps I can clear up what seemed to be a few misconceptions in the earlier testimony.

First, let me emphasize DLI is extremely important. The Defense Language Institute is a key to accomplishing the Department's intelligence and other missions, and we have been very heartened and encouraged by the significant improvements to DLI's performance in the last 5 years as is highlighted in some of the charts you have seen.

At least one of the elements in that improvement has been a number of improvements already in the management of the faculty, including authority to make appointments outside of conventional civil service regulations, and also to do classification outside of the normal civil service regulation. Finally OPM has given us the authority as well to allow faculty members to pursue degrees.

The next logical step is the imposition of a faculty pay plan, and we believe the authority in the Senate bill would be sufficient to do that.

Let me just quickly conclude by echoing Congressman Panetta's statements, very little of what the Congressman said would we disagree with. For example, he emphasized we need flexibility to respond to changing requirements. We agree. He emphasized essential importance of the Defense Language Institute and language training to the Department's missions. We agree. He argued we needed something analogous to the naval postgraduate school, the Naval Academy, the Army War College, and other similar schools in the Department. We agree. But we don't need a completely separate personnel system for the Defense Language Institute.

Contrary to an impression that may have been delivered earlier this morning, those institutions I just named do not have a separate personnel system. They are all part of the larger personnel systems within the Department of Defense, and all they really have is special appointing and classification authority and, probably most importantly, a faculty pay plan. That is what we would pro-

pose to institute at the Defense Language Institute if the Senate version of the bill passed.

PREPARED STATEMENT OF CHRISTOPHER JEHN

Mr. Chairman and members of the subcommittee, thank you for inviting me to appear today to discuss H.R. 1685, the Defense Language Institute Foreign Language Center Act of 1992. This morning I would like to tell you about the Defense Language Institute, and discuss the provisions of H.R. 1685.

Foreign language trained DOD personnel are needed in approximately 16,000 positions throughout the world as voice interceptors, interrogators, counterintelligence agents, foreign area specialists, military attachés, special operations forces, and as on-site inspectors for arms control treaties. For the most part, these personnel are trained at the Defense Language Institute, Foreign Language Center (DLI) at the Presidio of Monterey, CA. DLI is a specialized language training institution, and provides a 6- to 18-month comprehensive education in language and culture.

While the result of our language training is a skill, the program of DLI instruction is far more academic than that found in our technical training facilities. However, the G.S. standards treat DLI faculty like technical trainers, thus impeding their career progression. Because of this, we have had some difficulty recruiting and retaining faculty. Although H.R. 1685 addresses this problem, it contains several provisions that address personnel flexibilities which, because they are already available in current law and regulation, we do not support. Indeed, we prefer a similar bill, S. 2636, which addresses the same problem but does not contain any objectional provisions.

We need a salary structure at DLI that ensures we continue to attract and retain a highly qualified work force. We therefore support a provision allowing the Secretary of Defense (H.R. 1685) or the Secretary of the Army (S. 2636) to determine the pay for civilian faculty.

In setting pay, we would use a Faculty Pay Plan (FPP) similar to the one currently in place at the Army War College. FPPs allow us to adopt academic titles, such as Professor, Associate or Assistant Professor and Instructor, and to develop pay bands for each title. This lets us use tenure to reflect and reward successful performance and to entice top performers to stay. FPPs align faculty pay with closely related positions in the academic community, and because the salary schedules used in the FPPs are anchored to the General Schedule, our faculty are also aligned with their Federal civilian counterparts.

H.R. 1685 would also give the Secretary of Defense authority to establish by regulation a personnel management system for the civilian faculty of the Center. We do not believe this provision is necessary and strongly object to the establishment of a separate personnel system for DLI. OPM has already given DLI substantial flexibility to conduct its own examinations and to fill language instruction positions outside of competitive civil service procedures. In addition, DLI determines its own qualification requirements. Similarly, because of statutory changes and new OPM regulations, faculty members can now earn academic degrees at Government expense. These flexibilities, coupled with the provisions of the Federal Employees Pay Comparability Act, give us the tools we need to effectively manage the DLI work force. A separate system is not needed. We should not segregate DLI faculty from the rest of the Federal work force.

In addition, H.R. 1685 lists specific civilian faculty positions in statute. We oppose this because it limits the flexibility of the Secretary and DLI to respond to changing missions and requirements. Moreover, these positions can be established under current statute and regulation. Therefore, this provision is not necessary. The bill also precludes displacement of civilian faculty by military staff. We believe the military/civilian mix should also be at the discretion of the Department and should conform to established statutes and regulations. Therefore, this provision also is not necessary. Finally, in describing implementing regulations, the bill specifies that the Commandant of the Foreign Language Center shall consult at every stage with employee representatives at the local level, other than with respect to reserved management rights. The Federal Service Labor-Management Relations Statute establishes national consultation and bargaining obligations at the SECDEF level and at the Institute. Thus, the labor management provision in H.R. 1685 is objectionable and redundant.

Again, we appreciate your interest in the Defense Language Institute and support for civilian faculty members. We look forward to working with you to ensure we continue to recruit and retain the highest quality staff for this important program.

Mr. MAVROULES. Thank you very much.
Mr. Clark.

**STATEMENT OF WILLIAM D. CLARK, DEPUTY ASSISTANT SECRETARY OF THE ARMY, MANPOWER AND RESERVE AFFAIRS, DEPARTMENT OF THE ARMY**

Mr. CLARK. I have little to add to what has been said before and what Mr. Jehn has said. We are in total agreement on the fact that DLI is important, the languages are important, and it fulfills an important need, but we do need the additional flexibility that can be brought upon by a more flexible personnel plan and pay plan. That is where we need to make the improvements. That is where we will find the continued growth in being able to deliver more excellent products.

The question really is what is the best vehicle to get there. We favor, of course, the amendment of title 10. It provides more flexibility which can give us the opportunity to be able to respond to the needs of the skill to a greater extent than of something that has a fairly high degree of specificity. That is all.

Mr. MAVROULES. Thank you both very much.

PREPARED STATEMENT OF WILLIAM D. CLARK

Mr. Chairman, and members of the subcommittee, thank you for inviting me to appear today to discuss H.R. 1685, the Defense Language Institute Foreign Language Center Act of 1992.

My office oversees the Defense Foreign Language Program and its school, the Defense Language Institute (DLI), in order to satisfy Defense Department requirements for personnel competence in foreign languages. I am pleased to be here to discuss the need for a Faculty Pay Plan for DLI. In particular, I want to express my genuine appreciation to Congressman Panetta for his interest in the Defense Language Program.

Foreign language capability is essential to national security. It underpins our ability to identify and assess strategic threats to our security and it facilitates our efforts to influence other nations. The civil academic sector devotes limited effort to foreign language instruction so the Defense Department—like other Government agencies involved in international affairs—has found it necessary to create the linguists we need. We do this through DLI's teaching programs.

The Defense Language Institute is a national resource—the largest foreign language school in the Western World. With over 800 faculty members providing over 2,000 hours of daily instruction, DLI provides some 85 percent of the U.S. Government's foreign language instruction, about 10 percent of the total post-secondary foreign language instructional hours taught in the United States, and most of our Nation's instruction in "less commonly taught," but critical foreign languages such as Russian, Arabic, Polish, Czech, Korean, and Chinese.

DLI provides state-of-the-art instruction at all levels in 71 languages and dialects to over 4,000 students each year. It provides language training throughout the Defense Department, to staff of the White House, the State Department, Central Intelligence Agency, Nuclear On-site Inspection Agency, Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Postal Inspection Service, U.S. Customs Service, U.S. Marshal Service, U.S. Secret Service, and to our allies via NATO and the Organization of American States. Beyond this, however, the Institute provides indirect support to the civil academic community (DLI methodologies and materials are widely used and copied) and to the civil business community (through post-service employment of DLI graduates).

As measured by General Schedule classification standards, DOD linguists must have at least level 2 proficiency (ability to deal with concrete subjects in past, present and future tenses) to function effectively in meeting security requirements. We therefore set this level—a very ambitious level rarely achieved in college undergraduate programs—as the objective for all DLI graduates. We have made tremendous progress—moving from a 32-percent achievement rate of level 2 proficiency in 1985 to 67 percent today. We've done this through aggressive teacher development, through better management and accountability, through improved staffing stand-

ards and through extending the state of the art in technology—particularly in the field of computer-assisted-study. But we must do more.

In the new strategic environment, expanding intelligence, arms control, foreign presence operations and foreign liaison initiatives urgently require military linguists with ever-greater language proficiency. Indeed, despite ongoing force reductions of about 25 percent, the language requirements have declined only 8 percent. Furthermore, our past focus on a few languages gave us greater density in each language. By itself, this greater density tended to include enough truly quality linguists to handle critical issues. Today, we must spread fewer assets across many more languages—with the density in each being too small to develop the needed top-quality linguists without extra effort. In short, foreign language training will remain a major national security concern.

We need more graduates with level 2 proficiency as well as more with even greater capability. We need linguists able to integrate their language in the context of the culture in which that language is used. However, higher student proficiency must come from learning programs of better quality. Here, having done what we can through other devices, we can only turn now to the personnel ingredient—to the teachers. We must invest more time and effort in our teachers.

Investment in teachers is relevant and appropriate because interactive language instruction—the give and take of two-way oral communication—is teacher-intensive. Quality language learning programs depend more on teacher quality than they do on the quality of a curriculum or a set of materials. Quality teachers—teachers fully able to integrate the broad range of their culture into their language instruction—need to be recruited and developed through a professional structure.

In short, we must enhance the professionalism of the DLI's faculty by providing the incentives to attract and retain the quality we need. The DLI faculty is compensated according to the Ceneral Schedule salary structure. As other Federal schools have found, this structure does not provide the flexibility to develop a sufficiently professional faculty to meet tomorrow's requirements. In particular, it causes two problems:

- The current General Schedule compensation system sets grades—and therefore salaries too rigidly in order to accommodate the more proficient instructors.
- Salary is based on the grade of the position. The only financial way to reward success or gain advancement is to "promote" a quality teacher from the classroom into administration. To attract, retain and reward the quality we need in the classroom, we need a flexible salary structure that rewards excellence in teaching.

In order to ensure graduates with the desired and required increased language capability, we need a salary structure that:

- Creates a "career ladder" with incentives to attract highly qualified new instructors.
- Vests rank (salary) in the person rather than in the position in order to retain the "best and the brightest" in the classroom.
- Establishes additional review points (tenure award and review).

Authority for us to build a professional DLI salary structure would parallel the authorities already granted for the National Defense University, the Army War College, the Army Command and General Staff College, the Naval War College, the Air University, the Naval Postgraduate School, and the Air Force Institute of Technology. We see such authority as an essential step in developing DOD linguists with the language capability required to meet the changing strategic environment. As such, we consider that it would be a wise investment in national security.

In responding to the Post Office and Civil Service Committee's request for our position on H.R. 1685, we developed a legislative proposal aimed at achieving these objectives. This proposal would extend the existing faculty compensation authority covering the Army War College faculty to embrace the DLI faculty. We have obtained administration concurrence and have forwarded this proposal to the House. Senators Thurmond, McCain, Seymour, and Shelby subsequently introduced a similar bill as S. 2636. Both bills began with the premise that there is a critical need for a new salary structure for the DLI faculty. The Senate proposal allows more flexibility to meet changing requirements while the House proposal contains more specificity. In particular:

- While the schedule of positions outlined in H.R. 1685 would provide a "career ladder," we may find that we need to modify the positions—either to create more or fewer rungs in the ladder. To do so would require us to go back to the Congress each time. Indeed, this has been the experience of the Naval Postgraduate School (NPGS). With very specific legislation origi-

nally enacted in 1947, the NPGS authorization has required frequent amendments to keep it applicable to the requirements of the evolving world.

• The union consultation provision in H.R. 1685 could easily be interpreted to imply that we do not consult now. For this reason—and because it provides nothing not already authorized in Public Law—we consider it unnecessary here.

• The degree-granting authority proposed in HR. 1685 is, at this time, basically irrelevant to the issue of professionalizing the DLI faculty and we oppose it.

In short, both bills recognize the need for a salary structure more responsive to academic requirements. In this regard, we genuinely appreciate the support and interest of Mr. Panetta. However, of the two bills now being considered in Congress, we favor the flexibility of the Senate bill. It would give us what we need and it would accomplish the objectives of Mr. Panetta's bill.

Mr. Chairman, that concludes my statement. I will be pleased to respond to whatever questions you may have.

Mr. MAVROULES. I think you probably understood Mr. Panetta when he told Mr. Skelton that he is willing to work. This is not an ego thing with him. He has been working with this for a long time. He is trying to do what is right for all parties. I am hoping we can all be involved at a staff level and come up with something that—or at least the greater percentage can agree with and, hopefully, come up with a good program. So I don't have any specific questions.

Ike, at this point you may want to jump in.

Mr. SKELTON. No, I think they have answered my question. You favor what we have done and the format we have established for other schools. I think keeping it parallels the simplest, best, and they will absolutely be thrilled with the pay scale that at least follows the competitive lines that the civilian institutions have.

Mr. JEHN. I would agree with that. I would echo comments you made earlier, Mr. Skelton, that the systems we have introduced at these other institutions all work well, and I am sure we can design one that will work equally well at the Defense Language Institute. The provision of S. 2636 provides us the authority.

Right now, we do not have the authority to institute a separate faculty pay plan.

Mr. SKELTON. Insert your name in title 10; you can have that; is that correct?

Mr. JEHN. That is right.

Mr. SKELTON. I have one comment.

Mr. MAVROULES. May I follow up on that, just hold your thought for a moment?

Mr. SKELTON. Please.

Mr. MAVROULES. Let me see if I can get that commitment from both of you. In the event title 10 prevails, do we have your commitment that you will improvise and put together a good pay-scale program?

Mr. JEHN. Absolutely.

Mr. CLARK. Yes.

Mr. MAVROULES. Please, Ike.

Mr. SKELTON. On the degree-granting authority, I am a little concerned about that. I would rather tackle that separately. I don't know how the chairman feels, but we have been very hesitant in doing so through our panel. I realize this is not a master's degree and that is what we have tackled before, but this is along the same

line. I would hope we could walk on that rather than rush to judgment.

Mr. CLARK. We would agree, sir.

Mr. JEHN. I would agree. I think the way we have handled this question at other institutions is, in fact, exactly appropriate here as well.

Mr. SKELTON. You heard my comments about the Air War College and the Marine War College, the institutes—their SAMS course and equivalents. They want to have master's degrees. They have not gone through all the hoops, and we will take it up next year and get it done for them. But I think they are a little premature.

Mr. JEHN. I understand.

Mr. MAVROULES. Buddy.

Mr. DARDEN. Mr. Chairman, I would be glad to see you get these commitments, and I understand from DOD, because I think it regrettable we even have to be here looking into a problem which, frankly, somebody has ignored over the years.

DOD should have been leading the way a long time back, and it is inconceivable to me that we even have to get to the level of congressional involvement. I would think somebody in the building would have long ago seen the need to lead the way and we would have recommendations from OSD and someone else to be at the very forefront of the issue rather than be behind the curve, as it seems to me. So hopefully we are off on the right track now and maybe this will find itself to an adequate conclusion.

Mr. MAVROULES. Thank you, Bud.

Any other statements? Warren Nelson.

Mr. NELSON. There are just a couple other points Mr. Panetta mentioned that have not been addressed in your testimony. You covered the separate personnel system degree-granting authority. What is the Department's attitude on tenure?

Mr. JEHN. Tenure is part of the pay plan, the personnel plan, as modified at places like the Naval Postgraduate School and the Naval Academy. There is no—reason it is not a particularly sensible solution here.

I don't know enough about the circumstances and the situation at the Defense Language Institute to stand up and endorse tenure, either one that is permanent or one that is reviewed every 5 years, but I think that is something we need to work on as we develop a pay plan.

The provision of Senate 2636 would allow us to do that, in other words, establish a system that is responsive to the special requirements and needs of the Defense Language Institute. That is what we should do.

Mr. NELSON. Mr. Panetta's original bill also provides for consultation with the union. What is the Department's attitude on that?

Mr. JEHN. It is required by law so we will, of course, obey the law.

Mr. NELSON. I think the other provision is the ranking system that was a major part of the Panetta bill, the scales of ranks.

Mr. JEHN. There again, my own sort of knee-jerk reaction when I looked at it was there was much too much rigidity and too much

formality in the system, but certainly the application of traditional academic ranks, such as assistant professor, associate and full professor and so on, seems to me wholly appropriate. The system we adopt should be one that is consistent with and responsive to the requirements and unique mission of the Defense Language Institute, and Senate 2636 would provide us the authority to do just that.

Mr. NELSON. I think the last part of the Panetta bill relates to nondisplacement. This hadn't been discussed earlier in the hearing, bringing in military personnel as faculty members and displacing civilian personnel. Does the Department have a reaction to that?

Mr. JEHN. Yes, sir, we oppose that provision. We believe——

Mr. NELSON. Oppose the provision in the Panetta bill?

Mr. JEHN. Putting it in a positive way, we believe the leadership of the Defense Language Institute ought to be free to make decisions about the appropriate composition of the faculty Defense Language Institute.

Mr. CLARK. I might add, it seems to me important that we do have a military presence in a good military and civilian mix within the faculty. The skills that they are teaching there are going to be practiced in a military operational environment, so I think that is important. But obviously, we want to be prudent and sensible about our personnel policies and not arbitrarily displace people.

Mr. NELSON. How would you feel about a limitation that said the displacement of a civilian person by a military person can only occur if the military personnel had equally or greater academic credentials?

Mr. CLARK. My personal view is we would prefer not to have any such language. We want to have the maximum amount of flexibility.

Mr. NELSON. OK, thank you.

Mr. MAVROULES. Let me just follow up. Good question. Again, it takes us back to the tenure issue. I think we are going to have to pay some real attention to the tenure problem, if it is a problem indeed, and get serious about that.

We have to give some security to the personnel who are dedicated and devoted. I would think you would agree with me. I am not sure——

Mr. JEHN. I quite agree with you.

Mr. MAVROULES. I am not sure the review every 5 years is the answer to that, to be candid with you.

Mr. SISISKY. Mr. Chairman, if you would yield. It begs the question has it been a problem before that you replaced military, maybe the colonel, is that a real problem?

Mr. JEHN. Not a problem I am aware of and, obviously, if you want people teaching language, you want them to be qualified to teach language regardless of whether they are uniformed personnel or civilians.

Mr. MAVROULES. If you are going to replace one with the other, where does your tenure come in here?

Mr. JEHN. That is a hypothetical question. I am not sure exactly what we are trying to get at here, but tenure generally protects the individuals against arbitrary and capricious action, and I wouldn't expect this to be a different situation. I would expect——

Mr. SKELTON. Mr. Chairman.

Mr. MAVROULES. Go ahead, Ike.

Mr. SKELTON. You have the same mix situation in all of your other War Colleges.

Mr. CLARK. Right.

Mr. JEHN. Exactly.

Mr. SKELTON. Have you had a problem there?

Mr. JEHN. None I am aware of.

Mr. SKELTON. You have colonels teaching; you have civilian professors teaching.

Mr. JEHN. Absolutely.

Mr. SKELTON. Do you have a problem at Fort Leavenworth, at any of those places.

Mr. JEHN. Or the Naval Academy which is about 50–50 civilian faculty.

Mr. SKELTON. Any problem with tenure in those places?

Mr. JEHN. It is not a problem there. That is a good question.

Mr. MAVROULES. It is a good question. I think you have answered it very proficiently, but I think it is an area we have to cover. I think it is a very sensitive area. I guess at the present time, if a person is teaching, he is through with a teaching course, you RIF him, don't you? He is gone out the door?

Mr. CLARK. Yes.

Mr. JEHN. Yes, sir. But it is done under well-established procedures and rules.

Mr. CLARK. The same RIF rules apply to the excepted service, which the people have now, that apply to the competitive service.

Mr. MAVROULES. Let me tell you why I am keying in. I think we are beginning to reach agreement with where you are coming from, the previous witnesses, and also Mr. Panetta. I do not like to see any kind of a hang up on the tenure issue. Therefore, we have to pay some real strict attention, Ike, maybe on the title 10 we can do that. Then, hopefully, come up with something here we can all live with.

Mr. CLARK. Let me add one thing. Under the title 10, the way we are adopting it at the Army War College, all other provisions of the civil service rules apply except for the pay and the appointing authorities. So they have substantial protective rights.

Mr. MAVROULES. All right. Well, gentlemen, thank you very much. It has been a very meaningful morning. Thank you. The hearing is now closed.

[Whereupon, at 12:10 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

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